

# NOTICE TO BANKERS

Advances upon

## Stocks & Shares

will be entertained upon  
favourable terms by the

## LEGAL AND GENERAL LIFE ASSURANCE SOCIETY.

The transactions can be  
carried out expeditiously  
and cheaply, and full  
particulars will be sent

upon application to

**No. 10, FLEET STREET,  
LONDON, E.C. 4.**

## The Solicitors' Journal and Weekly Reporter.

(ESTABLISHED IN 1857.)

LONDON, JANUARY 25, 1919.

ANNUAL SUBSCRIPTION, WHICH MUST BE PAID IN ADVANCE:

£2 12s. ; by Post £2 14s. ; Foreign, £2 16s.

HALF-YEARLY AND QUARTERLY SUBSCRIPTIONS IN PROPORTION.

\* \* The Editor cannot undertake to return rejected contributions, and copies should be kept of all articles sent by writers who are not on the regular staff of the JOURNAL.  
All letters intended for publication must be authenticated by the name of the writer.

### GENERAL HEADINGS.

CURRENT TOPICS .....	221	DAMAGE BY AIRCRAFT IN PEACE .....	231
LAW AND PROCLAMATIONS OF THE GERMAN GOVERNMENT .....	224	FEES BY PORTAGE .....	234
A MINISTRY OF JUSTICE .....	226	A LEAGUE OF NATIONS .....	234
COMPROMISE BY COUNSEL .....	227	LAW STUDENTS' JOURNAL .....	234
REVIEWS .....	228	LEGAL NEWS .....	234
CORRESPONDENCE .....	228	COURT PAPERS .....	235
NEW ORDERS, &c. ....	230	CREDITORS' NOTICES .....	235
SOCIETIES .....	232	BANKRUPTCY NOTICES .....	235

### Cases Reported this Week.

Bury v. Bury .....	228
Great Northern Railway Co. v. Bradford Corporation .....	229
Markay and Another v. Rawlinson .....	229
Riches v. Riches and Clirch .....	230
Stearn v. Prentice Brothers (Limited) .....	229

### Current Topics.

#### Visits to Legal London.

WE ARE glad to call attention to the announcement on another page of the series of visits arranged by the Selborne Society to "Legal London." The first visit will be on Saturday, 1st February, and will be to the Law Courts, when Sir EDWARD MARSHALL HALL, K.C., will explain the procedure of a civil action with such illustrations as are to be gained by a "view" of the scene of conflict. The visit has been arranged, we gather, by permission of Mr. Justice DARLING, and is not limited to members of the Society. On Saturday, 8th February, the visit will be to Lincoln's Inn Fields, including a visit to the offices of the Public Trustee, under the guidance of Sir CHARLES STEWART, who, we learn from the full programme of the Ramble Section for January to March, will entertain the visitors to tea in the offices. And on Saturday, 1st March, there will be a visit to the Law Society's Hall, when Mr. E. R. COOK, the Secretary of the Law Society, will be the guide. No doubt these visits will give the public a useful insight into the mysteries of the law.

#### A New Divorce List.

HITHERTO THERE have been two great classes of cases in the Divorce Court, jury actions and actions in which the parties have dispensed with the jurors. Of course, until last year, all actions in which damages against the co-respondent were claimed—i.e., all the old *crim. con.* actions in tort—were necessarily placed in the common jury list because a judge alone could not assess damages. At least this applied in the case of all undefended actions; though in a defended suit the parties could agree to give the judge jurisdiction. The result was that such undefended actions involved the delays and expense of a jury trial. But now under the Juries Act, 1918, section 1 (d), which applies for the duration of the war, a judge can assess damages instead of a jury in such undefended actions. The question at once arose, should such suit continue in the jury list or be transferred to the undefended list? The first practice is inconsistent with the withdrawal of a juror. The second is very inconvenient to practitioners, since it mixes a lot of very short cases with a few which are necessarily much longer. The *via media* is a new special list, and this course, as we stated last week, Mr. Justice COLERIDGE has adopted. *Clegg v. Clegg* (Times, 16th inst.).

### Aerial Transport.

THE RECENTLY issued Report of the Civil Aerial Transport Committee deals with two interesting legal points—one of public international law, the other of municipal law. On both points the Committee had the assistance of the Report of a Special Committee, of which Lord SYDENHAM was chairman, and which included Mr. BUTLER ASPINALL, K.C., Mr. BALFOUR BROWNE, K.C., Sir M. D. CHALMERS, Mr. W. JOYNSON HICKS, and Major E. ELVY ROBB. This is printed as an Appendix to the General Report, and it includes a print, with observations, of the International Convention in regard to Aerial Navigation drafted by the Conference held at Paris in 1910, and also a print of the Aerial Navigation Bill, which was drafted, we gather, in 1913, but had not been completed or introduced before the war. The fundamental question of public law relates to the nature of State rights in the supra-territorial air. Is this space to be subject to State sovereignty by analogy to the maxim of private law: *Cujus est solum, ejus est usque ad coelum*; or is the principle of "freedom of the air" to prevail, modified so far as necessary for State protection? The draft Convention appears to assume the former principle, since it recognizes the right of each State to regulate flying in its own supra-territorial air space; but the clearest recognition is not in the draft itself, which left the articles as to aerial navigation in such air space undecided, but in the rule proposed for insertion by the Sub-Committee of the Committee of Imperial Defence in 1913:—

"Each contracting State shall permit for so long as the present Convention is in force the aircraft of the other States to fly within the limits of and above its territory subject to the restrictions laid down in the following rules:—"

These rules included the right of each State to forbid the navigation of foreign aircraft so far as it deemed necessary to guarantee its own security or that of the lives and property of its inhabitants. The paragraphs of the Report of the Sub-Committee on the question are not printed, though the reason for their suppression is not clear; but clearly the Sub-Committee pronounced in favour of "sovereignty of the air," for the General Report, after pointing out that the argument for the doctrine of State sovereignty in the air space *usque ad coelum* is in the main a military one, says:—

The experience of the present war has merely served to increase the force of these considerations, and we agree with the Special Committee that the doctrine of State sovereignty in the air *usque ad coelum*, on which this country acted before the war, and on which, along with neutral countries, it still acts, is sound and should be adopted as the basis alike of international agreement and of municipal legislation.

### The Sovereignty of the Air.

THE REASONS for recognizing the doctrine of the sovereignty of the air are very clearly stated by Dr. HUGH BELLOT in an article with this title in the current number of *International Law Notes*. There is at first sight a certain analogy between the sea and the air, and just as the high seas are recognized as free to all peoples, so, too, it has been contended, should the air be free. But practically, of course, there are distinctions. The freedom of the seas is the result of thinking in two dimensions. A State is supreme over the land within its own borders, and to this has been added such a breadth of adjacent sea as is required for the due protection of its shores. But beyond these territorial waters there is *mare liberum*. Turn this into three dimensions, and we bring in the air—that is, the supra-territorial space; for, as Dr. BELLOT points out, it is a question of air spaces and not of the air itself. To apply the analogy of the sea, there should be a zone of territorial air-space reserved for the State, and above this should be *aer liber*, extending upwards to the *aether liber*, and this is how the advocates of the freedom of the air visualize the matter. Dr. BELLOT explains the views of various jurists of this school, and most of them allow to the State only a supra-territorial zone, extending up to various suggested heights, over which they can exercise jurisdiction. But this fails to recognize the essential differences between horizontal and vertical action. In the case of aircraft the law of gravity has to be reckoned with and the fact of vision. Aircraft can drop bombs and can observe, and no supra-territorial

zone, without sovereignty in the upper air, will answer the requirements of the safety of the State. Hence other jurists claim sovereignty for the State to an unlimited height, though some would qualify it by allowing a right of innocent passage for aircraft—an easement or servitude of free passage. Of this view Professor WESTLAKE was a leading exponent. But Dr. BELLOT supports the view that no such qualification can be recognized as a matter of right. It must be left to the discretion of the State—which will naturally be anxious to encourage peaceful aerial navigation—and to international convention, and such convention, of course, implies no infringement of State sovereignty. He points out that the *usque ad coelum* maxim does not represent the rule of the civil law, which only granted to the private owner such rights as were necessary for the use of his land; and, from the experiences of the present war, he draws the same conclusion as that embodied in the Report of the Civil Aerial Transport Committee:—

"From such and similar experiences of the war [i.e., bombing, &c.], it may safely be predicted that the doctrine of the absolute sovereignty of the air by the States will ultimately prevail. It may, with equal assurance, be predicted that every State, prompted by self-interest, will, for purposes of international intercourse, relinquish such portion of its sovereignty as may be deemed essential in the general interest."

### Trespass in the Air.

THE QUESTION of municipal law to which we have referred is that of the liability of the owners of aircraft for injury done to person or property. At present the law on this point is in an embryonic condition, and the only guide has been the *usque ad coelum* maxim. But in *Pickering v. Rudd* (4 Cam., p. 220), Lord ELLENBOROUGH, who had already balloons in view, demurred to the doctrine of the mere interference with the superincumbent space being an actionable trespass, though he thought that if there was any damage, an action on the case would lie. In *Kenyon v. Hart* (6 B. & S., p. 252) Lord BLACKBURN suggested that the stricter view of trespass was correct, and in *Wandsworth Board of Guardians v. United Telephone Co.* (13 Q.B.D., p. 927) FRY, L.J., entertained no doubt that an ordinary proprietor of land could cut and remove a wire placed at any height above his freehold. This, however, does not imply a very lofty sphere of control, and is consistent with the rule of the German Civil Code, that a proprietor is only interested to the height of his effective possession; see Pollock on Torts, 10th ed., p. 364. There, so far as judicial dicta go, the matter seems to rest, and the draftsman of the Aerial Navigation Bill inserted as a settlement of the question the following clause:—

12.—(1) The flight of an aircraft over any land in the British Islands shall not in itself be deemed to be trespass, but nothing in this provision shall affect the rights and remedies of any person in respect of any injury to property or person caused by an aircraft, or by any person carried therein, and any injury caused by the assembly of persons upon the landing of an aircraft shall be deemed to be the natural and probable consequence of such landing.

The Special Committee of the Aerial Transport Committee in principle approved the clause, and recommended that no action for trespass should lie except for material damage to person or property, whether caused by flight, ascent or landing, or the fall of objects from aircraft; but that the obligation in such an action for trespass should be absolute, negligence not being a necessary element in the aviator's liability and "unavoidable" accident no defence; and that an action for nuisance should lie for damages only, and then only if breach of flying regulations was proved as well as actual nuisance. We print these recommendations on another page. It may be doubted whether "nuisance" is here used in the technical sense; i.e., a direct infringement of a right, which is actionable without proof of special damage. Probably it means an interference with the convenient use of property, which is ordinarily the subject for an injunction. The Special Committee, however, proposed to strengthen clause 12 of the Bill, and the Main Committee supported their view in an interesting passage which also we print on another page. The matter promises interesting developments in the future in view of the expected coming of aerial transport.

**Building Society Mortgages and Indorsed Receipts.**

WE PRINTED recently (*ante*, p. 191) a letter from "A and B," raising a question as to the form of requisition which should be made on behalf of a purchaser in order to determine in whom the legal estate in property, which has been held by a building society as mortgagees, vests by virtue of a statutory indorsed receipt. The difficulty which such receipts cause is well-known, and as Lord CAIRNS, C., observed in *Pease v. Jackson* (3 Ch. App. 576), a Chancery suit may be required to determine the matter. Events have proved the correctness of the remark, and a short indorsed conveyance would probably be simpler than a statutory receipt. Certainly it would in complicated cases, though a statutory receipt is well enough where there are no other incumbrancers concerned. Under the Building Societies Act, 1874, the effect of the receipt is to vest the legal estate "in the person for the time being entitled to the equity of redemption"; and this has been held to mean the person who at the time of the indorsement has the better equity to call for the legal estate: per Lord WATSON in *Hosking v. Smith* (13 App. Cas., 582). And this is not necessarily the next incumbrancer. If a third party has advanced the money to pay off the building society, then such third person has the better equity and he gets the legal estate: *Hosking v. Smith*; and if he in turn is paid off by D, then D has a better right to call for this estate than an intermediate incumbrancer of whom D had no notice: *Crosbie-Hill v. Sayer* (1908, 1 Ch. 866), a case to which our correspondents refer. It seems to be a proper inference from these authorities that the form of requisition which should be made will depend on the nature of the title, and if equitable incumbrances are disclosed, it will be very material to know under what circumstances the building society was paid off. While, even if no such incumbrances are disclosed, it may be material to know that it was the mortgagor and not a third party who found the money for redemption. We doubt, however, whether in a simple case—a building society mortgage with an indorsed receipt, and no other contemporaneous incumbrance—any inquiry on this head is commonly made; that is, the abstract is accepted as sufficient. But if it is made—since it affects the legal estate and not an equity which does not hurt in the absence of notice—we are inclined to think it should be answered. We should be glad, however, of any expression of opinion on the point.

**The Transmutation of Property on a Sale of Goods.**

WE ALL know that a contract for the sale of goods is now regulated by the Sale of Goods Act, 1893 (56 & 57 Vict., c. 71), and that a very practical and important question sometimes arises under an every-day contract respecting the transmutation of the property in the goods. This is the reason which gives interest to the recent case of *Pignataro v. Gilroy* (W. N. 1919, p. 27). From the moment when, by the contract, the goods are transmuted and vested in the purchaser, he must, in general, stand the loss arising from any subsequent damage or destruction. The case to which we allude was upon a sale of 140 bags of rice, delivery of which was to be taken in fourteen days. On the expiration of that time the purchaser sent a cheque for the price, with a request for a delivery order. The vendors sent a delivery order for 125 bags then lying at a certain wharf, and, as to the remaining fifteen bags, wrote that such bags were lying at the vendors' premises ready for delivery, and requesting an immediate removal. The purchaser, however, neither replied to this communication nor took any steps to remove the goods, whether because of the wartime disorganization or for what other cause we do not gather. A month passed, and then the fifteen bags were one day, without any negligence on the vendors' part, stolen from their premises. What, in these circumstances, would be the incidence of the loss arising from this theft? Had these fifteen bags been insufficiently appropriated as the goods on which the contract was to operate (see Sale of Goods Act, s. 18, r. 5), so that the goods still continued at the vendors' risk? The learned county court judge who heard the case held that the vendors had appropriated these bags of rice to the contract, but

that, as that appropriation was not assented to by the purchaser, the property had not passed. The Divisional Court (A. T. LAWRENCE and ROWLATT, J.J.) decided that a purchaser's neglect to reply promptly to a notice of an appropriation made at his request amounts to an assent, and, accordingly, that the property in these goods had passed to the purchaser, and he must bear the brunt. This seems a very useful decision, and one that would be well worth remembering in other cases of a party's silence or procrastination. We may go on to remind a reader that until the appropriation in question became binding upon both these parties it was revocable by the vendors, and in that aspect the decision is also useful, though it does not state the exact length of neglect to reply that would be necessary to amount to an assent. As Lord BLACKBURN remarks, the application of the principle of subsequent appropriation leads to nice and subtle distinctions. Wherefore, will not any decisions that will elucidate and illuminate such refinements be the more welcome and profitable? And, moreover, be the surest means of preventing the apple of discord from being thrown among commercial men?

**Trustees and Income Tax.**

THE Income Tax Acts have been framed on the theory that equitable ownership is as truly ownership as legal ownership is. They constitute, in fact, a particularly plain legislative recognition of the equitable estate in a true right of property. This underlying principle comes out very clearly in one of the latest cases on income tax, *Williams v. Singer* (1918, 2 K. B. 749). The point to be decided was whether the liability for tax on investments in foreign securities held by British trustees resident here on behalf of a non-resident foreign *cestui que trust*, the proceeds never being remitted to the United Kingdom, is to be determined by the domicile of the trustees or the domicile of the *cestui que trust*. SANKEY, J., held that the domicile of the *cestui que trust* was the determining factor, and that "the residence of a trustee is not visited upon the *cestui que trust* so as to make the latter liable for income tax when he would not otherwise be so liable." Had the proceeds of the investments been remitted to England the *cestui que trust* in the present case could apparently have been charged with income tax as a non-resident through her trustees, by virtue of section 41 of the Act of 1842. The case of the proceeds not being remitted to England was provided for by section 5 of the Finance Act, 1914, which enacted that income tax should be payable on income from foreign securities "whether the income has been or will be received in the United Kingdom or not," with a proviso that the section should not apply to a person "not domiciled in the United Kingdom." In the present case the trustees, the legal owners of the income and its capital, were domiciled in the United Kingdom, and the question was therefore neatly raised, which domicile, that of the trustees or that of the *cestui que trust*, was to be regarded. SANKEY, J., thought that section 5 of the Act of 1914 "enlarges the class of property, but does not enlarge the class of persons liable," and that a trustee could not be made liable for income tax out of the *cestui que trust's* moneys when the *cestui que trust* was not himself liable. "It is the profits that have to pay"—that is, the profits of property are treated as owned by the *cestui que trust* and not at all by the trustee. The Income Tax Acts, in fact, treat a trustee as a mere agent. *Williams v. Singer* is probably one of the last of the cases that will be decided under the mass of confused legislation known as the Income Tax Acts. These are now consolidated into the Income Tax Act, 1918, which was assented to in August last, and comes into force on 6th April next. No less than fifty-two statutes and parts of statutes will have been repealed by the new Act. Section 5 of the Act of 1914 must now be looked for in the rules on Cases 4 and 5, part of Schedule D, which form part of the first schedule to the Act of 1918.

**The Great Seal.**

SAVAGE TRIBES have their *totem*, removal of which from the precincts of the tribe exposes all its members to divine anger and destruction; hence such impiety is the most sacrilegious of acts.

The ancient Hebrews, too, attached a sanctity to the Ark of the Covenant, the penalties for violating which are well known to all school children. Something of the same tradition lingers in our constitutional law round the Great Seal of the Realm. To remove it outside the realm is to compass the King's ruin, and so is doubtless an act of treason. For the Great Seal is the outward and visible embodiment of the Royal Conscience, and—under that curious survival of the dogma of divine right which underlies much of our legal rules concerning the Prerogative, although overthrown in the political world by the final victory of the Puritan Parliament in 1648—no other legal mode exists of verifying the Royal Assent to Orders, letters patent and charters except by affixing the Great Seal thereto. Now the Great Seal is in the keeping of the Lord Chancellor, and it follows that during his tenancy of that office he cannot leave the realm. One Lord Chancellor in recent times has indeed done so—Lord HALDANE, who in 1913 visited America to address the United States Bar Association; and now Lord BIRKENHEAD—to give Sir F. E. SMITH his intended new title—has followed the example of innovation in sacred things thus set him, and has, we read, gone to Paris on a brief visit. But Lord HALDANE left the Great Seal behind him in the custody of three Lords Commissioners, while the new Chancellor has, it seems, taken no such precaution. Hence the Parliamentary correspondent of the *Times* has been dilating upon constitutional usage in regard to the Great Seal, and upon sundry adventures of that interesting implement in the days of Lord ELDON, who buried it during a fire in his house, and then had great difficulty in finding it again, and of Lord BROUGHAM, who allowed it to be frivolously used by the ladies at a Scotch country house. All very interesting; but possibly we do not take these things seriously enough, and, as to the Lord Chancellor's trip to Paris, we are tempted to say, with the *Biglow Papers*, "My! ain't it terrible? Wut shall we du?"

## Laws and Proclamations of the German Provisional Governments.

By CHARLES HENRY HUBERICH, J.U.D., D.C.L., LL.D., of the United States Supreme Court Bar; and RICHARD KING, Solicitor of the Supreme Court, London.

(Continued from page 209.)

### II.

#### FIRST MEETING OF BERLIN COUNCIL.

ON Sunday afternoon, 10th November, the first assembly of the Workmen's and Soldiers' Council was held in the Circus Busch in Berlin. Meetings had been held in the forenoon in the barracks and hospitals and in various industrial establishments.

Herr BARTH was elected chairman and Lieutenant WALZ vice-chairman of the meeting, and MULLER and MOLKENBUHR were designated as secretaries. Deputy EBERT announced that an agreement had been reached between the Social Democrats and the Independents. Addresses were made by HAASE, LIEBKNECHT, Captain von BEERFELDE and MULLER.

The election of the executive committee resulted as follows:—

*For the Independent Socialists:* Barth, Muller, Eckhardt, Wegmann, Neuendoff, and Ledebour.

*For the Social Democrats:* Heller, Guhlich, Rusch, Bugel, Hiob, and Mainz.

*For the Soldiers:* Molkenbuhr, von Beerfelde, Gerhardt, Hertel, Lempert, Haase, Balz, Bathusch, Bergmann, Kohler, Echtmann, and Wimpel.

The following manifesto was adopted and published<sup>1</sup>:—

The old Germany is no more. The German people realizes that for years it has been surrounded by falsehood and deceit. The much vaunted militarism that was recommended as an example to the entire world has collapsed. The revolution began its triumphant

march in Kiel and has victoriously asserted itself. The royal dynasties have forfeited their right to exist. The crowned heads have been divested of power. Germany has become a Republic, a Socialistic Republic. The doors of the prisons have opened to free those who had been convicted or who were under arrest for political and military offences. The Workmen's and Soldiers' Councils are now the bearers of political sovereignty. In garrisons where no Workmen's and Soldiers' Councils exist the formation of such councils will proceed rapidly. In the rural districts Peasants' Councils will be formed for the same purpose.

The first task of the Provisional Government, which is also confirmed by the Workmen's and Soldiers' Council of Berlin, is to conclude an armistice in order to end the bloody massacre. Immediate peace is the watchword of the revolution. However that peace may be, it will be better than a prolongation of the atrocious butchery.

In view of the social structure of Germany and the degree of development of its economic and political organization, a rapid and consistent socialization of the capitalistic means of production can be accomplished without serious disruption. This is necessary in order that a new economic structure may arise out of the blood-soaked ruins and to avert the economic enslavement of the masses and the destruction of civilization.

All those who labour with their heads or with their hands, and who are permeated with this ideal, and honestly desire to assist in its realization, are called upon to help. The Workmen's and Soldiers' Council is fully convinced that a revolution for the accomplishment of the same ends is in process of formation in the entire world. The Council confidently expects that the proletariat in other countries will set in motion all its powers to prevent a violation of the German people at the termination of the war.

The Council regards with admiration the Russian workmen and soldiers who have progressed along the ways of revolution, and is proud that the German workmen and soldiers have followed them, and have thereby maintained their old fame of being fighters in the front ranks of the International.

The Council sends brotherly greetings to the Russian Workmen's and Soldiers' Union. The Council resolves that the German Republican Government shall immediately take up international relations with the Russian Government, and expects the carrying out of this policy in Berlin. By the awful war that has lasted over four years Germany has been devastated in a most terrible manner. Material and moral values that can never be replaced have been destroyed. It is a gigantic task to bring forth new life out of these devastations and ruins. The Workmen's and Soldiers' Council is conscious of the fact that the revolutionary power cannot by a single stroke make good the crimes and errors of the old régime and of the propertied classes, and that it cannot immediately place the masses in a brilliant position, but this revolutionary power is the only one that can still save what is left. A Socialistic Republic alone is in the position to make use of the power of international Socialism to bring about a durable democratic peace.

Long life to the German Socialistic Republic!

Under date of 12th November, 1918, there was issued the following manifesto<sup>2</sup> to the German rural population:—

To the German Rural Population!

The new German Imperial Government hereby calls upon all sections of the rural population, without distinction of party, to act in common, and voluntarily to form peasants' councils, in order to render secure the food supply of the people, to preserve peace and order in the country, and to permit of an unimpeded prosecution of the agricultural industry.

The Imperial Government desires to limit the action of the State in assuring the food supply for the people to the most necessary limits, recognizing that voluntary action and local administration will accomplish these purposes more quickly and better than the best bureaucratic organization. The more the rural population contributes by voluntary self-created local and communal committees, to provide for a quick and continuous supply of food-stuffs necessary for the maintenance of the people, the less will it be necessary to resort to forcible measures. The rural population, therefore, has it in its power to limit such interference to the least possible amount.

The rural population can rest assured that the Imperial Government will protect it in the most energetic manner against arbitrary acts of unauthorized persons in dealing with the relations of property and production. If persons are not driven from the city to the country by famine, and the masses of soldiers streaming back from the front can be provided for in the proper manner, such measures of protection will not be necessary. Therefore, the voluntary delivery of the necessary foodstuffs is the surest protection against disturbances of peace and order in the rural districts, and guarantees in the best manner the undisturbed prosecution of rural industry. It is hoped that the rural population will be conscious of this fact, and will do everything in its power to protect the German people against perishing from hunger in this serious crisis. No one will demand from it anything unreasonable, nor make it responsible if difficulties of transportation or other circumstances cause a disturbance in providing for the inhabitants; but in its own interest and in the interest of all of the people, the

<sup>1</sup> Official Gazette, 12th November, 1918. (Non-official part.)

<sup>2</sup> Official Gazette, 13th November, 1918.

rural population must without delay proceed to the voluntary organization of peasants' councils.

Happily, the organizations of German agricultural interests have already made such a proposal to the agricultural bodies of Germany, and have reached an agreement upon this point with the new Imperial Government.

It is necessary now to act promptly, to do away with every passive resistance, and by a co-operation between the peasants' councils in the rural districts on the one hand and the War Food Board and the workmen's and soldiers' councils in the cities on the other, to avoid the dangers that an acute famine would be bound to bring down on the individual and on the entire community.

Peasants, agricultural labourers, artisans, and industrial workers in the country—form peasants' councils immediately.

Berlin, 12th November, 1918.

This was signed for the Council of People's Commissioners by EBERT, HAASE and others.

The chief Government officials were temporarily empowered to continue their functions<sup>3</sup> :—

The Secretaries of State and the chiefs of the Imperial bureaux have been authorized by the Imperial Government provisionally to continue in the exercise of their offices. The entry by persons without authority into the offices of the Imperial bureaux and the doing of official acts by such persons is not permitted.

Berlin, 11th November, 1918.

The Imperial Government.

EBERT, HAASE.

This is also brought out in a manifesto published in the Official Gazette of 12th November, 1918 :—

To the Inhabitants and Soldiers of Greater Berlin.

The Executive Committee of the Workmen's and Soldiers' Council, elected by the Workmen's and Soldiers' Councils of Greater Berlin, has assumed its duties.

All Communal, State, Imperial and military officials continue to exercise their functions. All orders of these officials are made under authority of the Executive Committee of the Workmen's and Soldiers' Council. All persons must obey the orders of these officials.

All bodies provisionally organized within Greater Berlin since the beginning of the revolution, including such as bear the name "Workmen's and Soldiers' Council," and who have carried out certain administrative measures, cease operation immediately.

All further orders and decrees will be made immediately by the proper civil and military authorities.

All proclamations and orders of the Executive Committee will be signed by the two chairmen, RICHARD MÜLLER and VON BEERFELDE.

This was signed on behalf of the Executive Committee of the Workmen's and Soldiers' Council by EMIL BARTH and others.

An appeal was also made on 11th November, 1918,<sup>4</sup> to protect the distribution of goods and the operation of public utilities.

Workmen! Citizens!

The furnishing of foodstuffs to Greater Berlin must not be interfered with. The stocks of foodstuffs and the offices for the distribution of food cards are placed under the protection of the public.

All public utilities, such as gas, water and electric works, savings banks and other public banks, as well as means of transportation, are similarly placed under the protection of the public.

11th November, 1918.

#### THE PROCLAMATION OF 12TH NOVEMBER.

One of the most important acts of the Provisional Government is contained in the Proclamation of 12th November, 1918 :—

To the German people!

The Government that has come forth out of the revolution, and which is politically under purely Socialistic control, has set for itself the task of carrying out the Socialistic program. The Government proclaims with the force of law the following :—

1. The state of siege is terminated.
2. The right of associations and assembly is subject to no limitation, not even for officials or employees of the State.
3. There is no censorship. The censorship of the theatre is terminated.
4. The expression of opinion in word and writing is free.
5. The freedom of the exercise of religion is guaranteed. No one may be forced to perform any religious act.
6. Amnesty is granted for all political offences. Proceedings now pending in reference to such offences are dismissed.
7. The law regarding national service is abrogated, with the exception of the provisions relating to settlement of disputes.

<sup>3</sup> Official Gazette, 12th November, 1918.

<sup>4</sup> Official Gazette, 12th November, 1918.

<sup>5</sup> Official Gazette, 13th November, 1918.

8. The regulations regarding labourers, as well as all exceptional laws directed against agricultural labour, are abrogated.

9. The provisions relating to the protection of labourers which were abrogated at the beginning of the war, are hereby again declared operative.

Further social-political ordinances will be published within a short period of time. At the latest, on 1st January, 1919, a maximum eight-hour labour day will be declared in force.

The Government will do everything to provide for sufficient opportunity for work. An ordinance regarding the assistance of the unemployed has been prepared. This ordinance distributes the burdens on the Empire, the State and the Commune.

In the matter of insurance against sickness, the obligation to insure will be extended beyond the present limit of Marks 2,500.

The need for dwelling-houses will be met by placing dwellings at the disposal of those needing them.

Efforts will be directed toward securing a regulated food supply for the people.

The Government will support regulated production and protect property against attacks by private individuals, as well as the liberty and security of the person.

All elections to public bodies shall henceforth take place on the basis of equal, secret, direct and universal suffrage, under application of the system of proportional voting, for all persons over twenty years of age, whether male or female.

This law regarding suffrage applies also to the constituent assembly, regarding which further regulations will be issued.

Berlin, 12th November, 1918.

This was signed by EBERT, HAASE, SCHEIDEMANN, and three others.

By a Proclamation of the same date<sup>6</sup> an Imperial Bureau for Economic Demobilization was established, and a Proclamation issued in the following terms :—

#### PROCLAMATION.

The seizures of raw materials heretofore made must, for the present, remain in force. New seizures by Workmen's and Soldiers' Councils may not take place. . . . In the agricultural industry all possessors of estates are bound and are willing to take back their former labourers, male and female, and other employees; the same applies to business undertakings, industries, and workshops, in so far as raw materials and operating materials are available. Where it is impossible to take up the former work, the demobilization officials will render assistance by emergency work.

Whoever is willing to work will receive employment and wages affording subsistence. The State will provide for all persons unable to find employment; the necessary pecuniary means will be available. Provision for the unemployed is assured.

12th November, 1918.

EBERT, HAASE, KOETH.

On the following day the Imperial Bureau for Economic Demobilization issued a decree allowing twenty per cent. of all copper, aluminium, nickel, antimony, lead, zinc, chrome, platinum and metals used in steel-hardening processes, seized by the government, to be used for peace purposes. At the same time a decree was issued declaring certain vehicles to be exportable without government licence.<sup>7</sup>

The interference with the operation of the transportation system and the distribution of food and coal is the subject of several manifestoes issued on 10th November, 11th November and 13th November, 1918.<sup>8</sup>

Restrictions placed on German owners of goods warehoused in foreign countries are continued in force by a proclamation of 13th November, 1918<sup>9</sup> :—

The prohibitions against the sale and disposal of goods warehoused in foreign countries and belonging to German owners are continued in force.

Berlin, 13th November, 1918.

The Imperial Government,

EBERT, HAASE.

[To be continued.]

**LAWYERS IN PARLIAMENT.**—In our recent list of Lawyers in Parliament (*ante*, p. 100) the name of Mr. W. H. Cozens-Hardy, K.C., member for Norfolk, Southern (U), was omitted.

<sup>6</sup> Official Gazette, 13th November, 1918.

<sup>7</sup> Official Gazette, 14th November, 1918.

<sup>8</sup> Official Gazette, 12-14th November, 1918.

<sup>9</sup> Official Gazette, 14th November, 1918.

## A Ministry of Justice.

### The Admiralty Model.

[We have already summarized (*ante*, p. 187) the Report of the Machinery of Government Committee as regards the Lord Chancellor's Department and the proposed Minister of Justice, and have printed (*ante*, pp. 197 and 217) the recommendations of the Committee. The present article supplements the one which appeared recently in a series of articles dealing with various phases of Reconstruction.—Ed. S.J.]

WHEN the subject of a Ministry of Justice was dealt with in the SOLICITORS' JOURNAL recently (*ante*, p. 4) it was treated as a constitutional question. The fact was recalled that it is the policy of this country to impose a civil head, as representing the State, on both the Navy and the Army, and that this is done in order that they may take their proper place as instruments in the hands of the people for use as and when required. And it was observed that, despite the independence of the Bench and the freedom of the Bar, it might with equal truth be said that the Judicature was made for the people and not the people for the Judicature. It was pointed out that public control over organization and procedure, as supplementing public control over law, is at the root of efficiency in the administration of the law, since it is in organization and procedure that vexations more especially lie. And from this the conclusion was drawn that the defect of the Judicature lay in the fact that it is without that constitutional representative which the Navy possesses in the First Lord of the Admiralty and the Army in the Secretary of State for War, and which renders matters of defence the subject of Parliamentary criticism and comment, and the representatives themselves responsible to Parliament for the due exercise of their powers.

Since that article was written, the Report of the Machinery of Government Committee has been issued. Though it makes out an unanswerable case for the appointment of a Minister of Justice, it does so less on constitutional grounds than from motives of expediency. It cites the President of the Law Society regarding the difficulty of getting the attention of the Government to legal reform, and its attributes, as one of the chief reasons of this inadequacy, the magnitude and variety of the duties of the Lord Chancellor, whose office it is to initiate reform. The work cast upon the Lord Chancellor, it says, as testified by successive holders of the office, is beyond the strength of any one man to accomplish, comprehending as it does a confluence of judicial, administrative and legislative matters, all more or less of the first order and importance. With the assistance of only a very small staff under the control of his Permanent Secretary, the burden imposed upon the Lord Chancellor gives him no opportunity to exercise a close personal supervision over the details of the work involved, and it is to be inferred from this that only the more pressing work receives attention, and the creation of fresh machinery and new methods does not keep pace with public expectation, and the legal system in consequence falls into disrepute.

The institution of a Ministry of Justice is approached, therefore, from the standpoint of a readjustment of the duties of the Lord Chancellor and the relief of his overworked department. The functions exercised by his office, the Report says, clearly admit of a redistribution, and the remedy suggested is that the general work of administration in connection with justice should, subject to exceptions made in favour of the Lord Chancellor's department, pass to a regular Minister of Justice. By reason of the fact that the Secretary of State for Home Affairs is already closely concerned with numerous matters in this sphere, the proposals of the Committee are to the effect that the functions of the central Government in relation to Justice should be apportioned broadly between this Minister and the Lord Chancellor's department. Though it is anticipated that their work would lie in close relations, and that their staffs would be in frequent consultation, the duties of each would apparently be distinct, and each would be responsible directly to the Crown and to Parliament for the business he had undertaken.

Thus the idea of a civil or non-professional head of the Judicature has in large measure won the acceptance of a State Committee, and the great constitutional principle underlying the control of the Navy and Army is by implication adopted. But the Report leaves the subject of the new Ministry with a certain absence of design in the structure of it. Apart from the proposal that the Lord Chancellor should be relieved by the Home Secretary of the administration of the services connected with Justice, the only thing in the nature of new machinery proposed is the formation of a Committee to include the Prime Minister, the Minister of Justice, the Lord Chancellor or Lord Chancellors who have preceded him, and the Lord Chief Justice, which it would be the duty of the Lord Chancellor to consult on making appointments to the Bench, though he would retain full responsibility for them and be free to act on his own opinion. The wonder is that the Report, after its adoption of the principle of a civil or non-professional head for the Judicature, has not pursued its policy of reconstruction further upon the same lines. The Admiralty, in its administration, affords a bountiful field of inspiration, and though, as the Report says in another connection, the exact objects of civil administration are less obvious and less easily defined than those with which the Navy and the Army are confronted, yet the control of the Navy embodies certain well-tryed principles of administration which admit of adaptation.

It is felt that the scheme of naval management in its larger aspects is eminently fitted as a model for the ordering of the Judicature, and that, as the Board of Admiralty took the place of the Lord High Admiral of former days, so a Board of Justice, with the Minister of Justice as its head, might, in the domain of Justice, take the place of the Lord Chancellor. Whether a Board so designed be the Committee suggested by the Report, or whether it is to be found in an elevation of the present Rule Committee, reconstructed with functions enlarged and distributed, is matter for determination. But whatever foundations are built upon, the scheme of the Board of Admiralty should serve by way of a starting point in reconstruction.

In a system so conceived, obvious parallels would obtain. In like manner as the First Sea Lord is the "chief naval adviser" and chief officer of the Board of Admiralty, so the Lord Chancellor, as the professional head of the Judicature, would be "the chief legal adviser" and the technical head of the Board of Justice. By this appointment his extra-judicial offices and his functions as a member of the Bench would be untouched, but he would, as a member of the Board, deal generally with the subject of personnel in the Judicature, and would have charge of all appointments and promotions, and would dispense all honours and rewards. Matters of procedure, finance and material would come under the special superintendence of other members, and in this way a small body of "legal lords" would undertake amongst themselves, according to a definite scheme of distribution, the functions touching the services of Justice, as the naval lords undertake amongst themselves the functions touching the services of Admiralty. Amongst the legal lords would be one who would more especially devote himself to the study of reform in procedure, and in this way the recommendations of the Report, to the effect that the Ministry of Justice should contain experts charged with the duty of watching over the necessities of law reform and studying the development of the subject at home and abroad, would be fulfilled. All the members of the Board would be answerable to the Minister of Justice, and he in turn would be responsible to the Crown and to Parliament, and, as with the Admiralty, so with the Board of Justice, this Minister would be supreme, and the remedy of the legal lords, if their advice were not taken, would lie in resignation.

By comparison with the ineffectual office of the Lord Chancellor in its relations with organization and procedure, such an institution as the Board of Justice here suggested would work miracles in bringing the Judicature into touch with the people and rendering it an efficient instrument towards the satisfaction of public wants. In one great and fundamental respect it would depart from the naval parallel. The Judica-

sure would not be an instrument in the hands of the Government for giving effect to policy. But like the Navy and the Army in the exercise of their professional duties, the independence of the Bench would be maintained as the chief support of the liberties of the people, and the same public jealousy would guard it. The Report itself acknowledges that no one proposes to interfere with the powers or duties of the judges, and the administration of the law, as distinct from matters of organization and procedure, would be affected as little by the appointment of a civil or non-professional head of the Judicature with his legal staff, as are the operations of the Navy and Army impaired by civil supremacy as the dominating feature of their distinguishing system of control. It is not in the exercise of judicial functions that renovation is sought. The case for reconstruction is rather that misconceptions touching the independence of the Bench should no longer be allowed to retard reform in the services that attend it. As the Committee say, improvement is required in the working out of the Courts' decrees, the general administration necessary for which, as now ordered, forms a division of Government as widely scattered as it is large. There is no functionary at present, they add, who can properly be called a Minister responsible for the subject of Justice, and there is no governing factor by means of which professional preconceptions on reform can be reviewed in the light of public requirements on the subject. The suggestion is now made that these omissions should be repaired by taking the Admiralty as a model for a new system, and this is justified by the fact that the Admiralty is the system which has best stood the test of time and trial of all our institutions, and it is the one that has most won the respect and confidence of the nation.

D. M. G.

## Compromises by Counsel.

THE recent case of *Shepherd v. Robinson* (Times, 21st January) illustrates a difficulty which sometimes arises in practice. The position of counsel in our courts is a very peculiar one. Theoretically, barristers retained to conduct litigation are the honorary patrons of their clients, who look to them for protection and assistance in securing their legal rights; the barrister is not supposed to be an agent acting for a reward, and neither can he sue for his fees nor is he liable for negligence in the performance of his forensic duties. The result is that his status is peculiar and rather anomalous in our legal system; he has the authority of an agent to whom a special duty has been delegated, yet he is not an agent *stricti juris*, and the principles of the law of agency can no more be applied to the relation of barrister and client than to the case of a parliament-man and his constituents. In fact, the status has an historical origin. It arose in mediæval times, when the feudal system was expanding from a mere relation between officer and soldier to a mode of land tenure and civil government; so that the unprotected commoner "commended" himself to the service of an influential knight or noble or priest, and thereby, in return for homage and submission, received protection against aggressors. So the hapless litigant commended himself to the protection of some member of those honourable societies and privileged corporations—the forerunners of our modern Inns of Court—which possessed special power to secure an audience and influence the Court. Gradually, as the study of Roman law and Roman institutions grew, the analogy between the feudal relationship and that of an ancient Roman patrician orator to his "clients" was readily perceived. So the practice grew up of regarding counsel, unlike mere mercantile agents or the inferior class of law-agents—the attorneys, solicitors and proctors—as rather the master and protector than the obedient servant of his principal, the client. The intervention of a third party, the solicitor, between barrister and layman, tended to conserve this peculiar privilege of counsel, and to fix a relationship between counsel and client which constitutes a *privilegium* not elsewhere known to our law.

The practical result of this historical evolution is that counsel, once briefed with the assent of the lay client, stands

in a strong position. When he appears in court and states that he is instructed, indeed, he is deemed *prima facie* to be instructed, and the Court will not listen to any layman or solicitor who gets up and says that he has not been instructed; his authority to appear cannot be inquired into, and a layman who finds a barrister of whom he has never heard professing to appear for him in a case of which he knows nothing must instruct a solicitor to brief another counsel to approach the Court and challenge the first barrister's authority: *Murphy v. Richardson* (1850, 13 I. L. R. 430). But when two or more counsel, instructed by different solicitors, claim to represent the same party, and challenge each other's authority, then the Court will inquire into the authority of the solicitors, and so, indirectly, into that of the barristers: *Re London and Manchester Direct Independent Railway Co.* (1849, 18 L. J. Ch. 245, 247). It should be noted that in such a case counsel must produce an actual brief if he claims to be instructed: the mere receipt of a retainer is not enough: *Doe d. Crake v. Brown* (1832, 5 C. & P. 315).

Once, however, counsel is instructed by the delivery of a brief to appear at the hearing of an action, or to take some similar step in litigation, his control over the case is *prima facie* absolute: *Moscato v. Lawson*, per ALDERSON, B. (1835, 1 Moo. & R. 454). His authority may be expressly limited in the instructions contained in the brief, but even then no limitation is valid which is consistent with counsel's unfettered control of the case. The remedy for an aggrieved client is to revoke the retainer, in which case—once a definite revocation has been made—he can either arrange for his solicitor to instruct another advocate or conduct the case himself: *Parkinson v. Hanbury* (1867, L. R. 2 H. L., at p. 6). But when once a case is fairly before the Court and counsel is seized of it, his authority cannot be revoked: *R. v. Maybury* (1865, 11 L. T. 566). Of course, this is subject to any express limitation on counsel's power contained in the brief; but counsel ought not to accept a case on any terms limiting his general authority, and it is doubtful how far such limitation is valid where it seriously interferes with such authority, e.g., the provision that counsel should entrust the case to some particular barrister, or return it, should he himself be unable to appear.

Now, in the absence of express limitation contained in the brief, it has been held that the authority of counsel justifies him in taking the following exceptional steps in the course of an action: he can call, or refuse to call, any witnesses he pleases (*Strauss v. Francis*, 1866, L. R. 1 Q. B. 379), can withdraw the record, can withdraw a juror, can consent to a reference, a stay of process, or a verdict (*Mattheus v. Munster*, 1887, 20 Q. B. D. 141), can undertake not to appeal (*ibid.*), and can consent on a motion for new trial to the reduction of damages. All these matters are within the authority of counsel, and the consent of the client is not needed. Where a compromise, then, merely affects one of these matters, the consent of the client is unnecessary. But where it amounts to a genuine compromise of the *res litigiosa*, and not a mere arrangement as to procedure, the compromise may easily become inconsistent with the counsel's implied instructions to prosecute or defend the action, and ceases to be binding without the consent of the client; and the same principle obviously applies where the client has expressly limited counsel's authority by directing in his instructions that some one or more of these steps is not to be adopted: *Strauss v. Francis* (*supra*, per Lord BLACKBURN, at p. 382).

Yet even where counsel acts outside his general authority or disregards a special limitation, the compromise may be held binding on his client. There are three classes of cases in which such compromise may be binding. The first arises when the client is present in court, or is out of court and is consulted by the solicitor who informs him of counsel's intention, and nevertheless takes no step to intimate dissent: in such a case his consent is inferred: *Porter v. Cooper* (1834, 1 Cr. M. & R. 587). The second arises when the compromise is within the general authority of counsel, but, unknown to the other party, is outside an express limitation placed on counsel's authority by his own client: *Re Hobler* (1854, 8 Beavan, 101); *Strauss v.*

*Francis (supra)*: in such cases the compromise is binding. The third case arises when an express limitation has been placed on counsel's power, but he nevertheless compromises in the *bond fide*, but mistaken, belief that his client has withdrawn the limitation, and the order of court has actually been drawn up embodying the compromise: in such case the compromise is binding: *Strauss v. Francis (supra)*. Of course, where counsel acts in excess of his general authority in the *bond fide*, but erroneous, belief that he is empowered to do so, the same principle applies. It should be noted, however, that the completion of the compromise by the drawing up of the order is a condition precedent to its acquisition of a binding sanction: until the agreement is thus completed the Court can interfere, and refuse to let the agreement stand: *Gethings v. Cloney* (1913, 43 Ir. L. T. 55).

On the other hand, there are a number of cases in which a compromise effected by counsel will be held invalid. The first of these has already been pointed out: where the compromise was unauthorized and the order has not yet been drawn up. A second is equally obvious, namely, where the limitation on counsel's authority was in fact known to the other side. And, in addition to these cases, even where counsel had authority to settle, the settlement will be set aside by the Court for any reason which would induce it to set aside an ordinary contract between the parties, e.g., essential error as to the terms of the settlement, duress, fraud, infancy, and lunacy of client: *Neale v. Gordon-Lennox* (1902, A. C. 465), and cases there cited. Whether lunacy on the part of the barrister who effected the compromise would avail to invalidate it is an academic question. This has not yet arisen, and presumably is never likely to arise.

Now two recent cases illustrate the difficulty of applying these principles. In *Shepherd v. Robinson* (*Times*, 21st January), an action on six promissory notes was compromised at the trial by counsel for the plaintiff agreeing to accept judgment for a lesser sum than claimed, with a stay of execution for three months. The plaintiff was not in court at the moment of settlement, but in a neighbouring café, and counsel negotiated the settlement in the erroneous belief that his solicitor had seen the client and that the compromise satisfied her. Here, even if the compromise was in excess of counsel's apparent authority, the defendants were ignorant of that fact. Therefore, had the order been drawn up, no steps to impeach it would have been successful. But before the drawing up of the order, the plaintiff challenged its validity, and satisfied the Court that she had not assented, and had not intended to assent: therefore the case was restored on terms to the list.

In *Rez v. Harold Warren* (*Times*, 20th January) a rather different point came up. A schoolmaster, accused of sodomy, had a conference with counsel and solicitor as to his defence. He desired to call medical witnesses and evidence as to an alibi, but it was finally decided by his legal advisers to call only evidence as to character. When the trial actually came on at the Old Bailey, counsel decided to abandon also the evidence as to character, and told the Judge he had no witnesses to call. Thereupon the prisoner intervened, and expressed a wish to call evidence as to the alibi and the medical facts, but finally gave way in the mistaken belief that counsel was only announcing an intention to abandon the evidence as to character. He was convicted, but the Court of Criminal Appeal decided to ignore the course taken as based on a mistake which might result in a miscarriage of justice, and in fact consented to hear the new evidence, with the result that they reduced the verdict to one of guilty on a less serious charge than that of which the jury had convicted the defendant. It may be said, then, that in criminal cases any serious risk of injustice is a sufficient ground for ignoring an unauthorized step in the case.

The Marshal of the Admiralty and Prize Court announces that, in view of the fact that the restrictions on export imposed by the War Trade Department to prevent goods reaching any undesirable destination render any additional precautions unnecessary, the exaction of bonds by him in all prize sales is to be discontinued henceforth.

## Reviews.

### Criminal Law.

A DIGEST OF THE LAW, PRACTICE AND PROCEDURE RELATING TO INDICTABLE OFFENCES. Being "Archbold" abridged and alphabetically arranged. By ARTHUR DENMAN, M.A., F.S.A., Barrister-at-Law and Clerk of Assize for the South-Eastern Circuit, assisted by WILLIAM CECIL BERNARD, M.A., LL.B., Barrister at-Law and Clerk of Indictments on the same Circuit. Second Edition. Sweet & Maxwell (Limited); Stevens & Sons (Limited). 25s.

This work, as was explained in the first edition, is intended as a dictionary to "Archbold." The twenty-fifth edition of that work has recently appeared, and the references in the new edition of the "Digest" have been altered accordingly. There has also been important legislation requiring to be incorporated—notably the Indictments Act, 1915, and the Larceny Act, 1916. Other recent consolidating and amending statutes are the Children Act, 1908, calling for extensive notice, the Perjury Act, 1911, and Forgery Act, 1913, and gradually the criminal law is coming to be codified—though even with codification it remains a mass of complication and detail, which, for the busy practitioner, is very usefully put into dictionary form. Under "Highways, Nuisances to," will be found a very convenient classification of the various kinds of highway, and statement of the parties indictable for non repair, with a summary of the relevant statutes; and there are useful notes on modern subjects, such as the procedure of the Court of Criminal Appeal and the probation of offenders. The present edition appears to have been very efficiently revised.

## Correspondence.

### A League of Nations.

[To the Editor of the Solicitors' Journal and Weekly Reporter.]

Sir,—I appreciate your comment on my letter on the League of Nations, and I thank you for publishing it.

The real purpose of it lay in the final words:—

"The issue seems likely to reside in a conflict of British and American notions of political amalgamation with their written and unwritten bases of constitution respectively; and, from the elasticity that marks it, it is to be hoped that the Peace delegates will take the British for their model, for only by moderating their resort to formula will they give any degree of safety and permanence to the institution they create. With no authority to bind, it is in the spirit rather than in the letter that foundations for their structure will be found."

I now see that Lord Robert Cecil has forecast the British model with the same moderation of faith in the written word. In the *Daily Mail* this morning he is reported to have said:—

"The British Government does not favour setting up a rigid International Court for dealing with differences . . . the British view is that there should be no definite prescribed organization with rigid rules of procedure . . . In his opinion we should be more afraid of those who sought to make the organization too rigid than of those who would not go far enough."

DOUGLAS M. GANE.

106, Leadenhall-street, London, E.C. 3.

January 23rd, 1919.

## CASES OF THE WEEK.

### Probate, Divorce and Admiralty Division.

BURY v. BURY. Coleridge, J. 17th January.

DIVORCE—WIFE'S SUIT—BOTH PARTIES ROMAN CATHOLICS—MARRIAGE IN IRELAND REGISTERED UNDER 26 & 27 VICT. C. 90—PROOF OF MARRIAGE.

A certified copy of entry in the marriage register may be accepted as evidence, without calling an expert witness.

This was a wife's suit for divorce on the grounds of her husband's desertion and adultery. The petitioner and the respondent were both Roman Catholics, and were married on 4th December, 1899, at the Roman Catholic Church of Adare, co. Limerick, before the parish priest. A certified copy of the entry of the marriage in the register book was identified by the petitioner, the material facts of which were as follows: "Regulations of Roman Catholic marriages in Ireland, 26 & 27 Vict. c. 90. Certified copy of entry in the marriage register book registered this 4th day of December, 1899, by P. Macnamara, Deputy Registrar. Married in the Roman Catholic Church of Adare according to the rites and ceremonies of the Roman Catholic Church by me, and according to the requirements of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870. J. S. Flanagan, P.P." The

certificate was stamped with an Inland Revenue stamp, which was cancelled. Counsel for petitioner cited and discussed 14 & 15 Vict. c. 99, ss. 10 and 14 (Lord Brougham's Act), and 26 & 27 Vict. c. 90, ss. 11 and 14 (Marriage Registration (Ireland) Act).

COLERIDGE, J., accepted the certified copy of the entry in the marriage register as sufficient evidence of the marriage, without requiring the evidence of an expert witness.—COUNSEL, *J. Buckmill, Solicitors, Townsend & Sharpe.*

[Reported by C. G. TALBOT-PONSONBY, Barrister-at-Law.]

**MACKAY AND ANOTHER v. RAWLINSON.** Coleridge, J.  
21st January.

WILL—PROBATE ACTION—UNDEFENDED SUIT—PROOF OF EXECUTION—PRACTICE.

*A will may be proved without calling an attesting witness, by calling a witness who was present at the execution.*

This was a probate action, in which the plaintiffs, as executors, propounded a will and codicil dated respectively in 1915 and 1917. The defendant, who had entered a caveat, as being interested under a will dated 26th July, 1918, had not put in any defence, and had intimated that she did not contest the validity of the plaintiffs' will. Counsel for the plaintiffs called the solicitor who had prepared the will and who was present at its execution, but was not an attesting witness, being a beneficiary under it.

COLERIDGE, J., said that he understood that the practice was to call an attesting witness.

Counsel submitted that it was not essential, and in this case it was a great saving of expense not to do so. The defendant was not alleging that the said will was not duly executed. The Wills Act of 1837 enacted that a will, to be duly executed, must *inter alia* be signed by the deceased in the presence of two witnesses. There was nothing in the Act to say that the attesting witnesses must prove that. All that had to be done was to prove that the provisions of the Act were complied with. Here the witness who was called proved that he was a solicitor and knew how a will should be executed, was present at the execution, and he proved the handwriting of his two clerks.

COLERIDGE, J., said that he was satisfied, and pronounced for the will and codicil dated respectively in 1915 and 1917, and ordered each party to pay his own costs. COUNSEL, *W. O. Willis*, for the plaintiffs; *J. H. Murphy*, for the defendant. SOLICITORS, *Iliffe, Henley, & Sweet*, for the plaintiffs; *Gedge, Kirby, & Kirke*, for the defendant.

[Reported by C. G. TALBOT-PONSONBY, Barrister-at-Law.]

## CASES OF LAST SITTINGS.

### High Court—Chancery Division.

**GREAT NORTHERN RAILWAY CO. v. BRADFORD CORPORATION.**  
P. O. Lawrence, J. 27th and 28th November.

WATER SUPPLY—RAILWAY STATION—FLOW SUFFICIENT FOR ORDINARY PURPOSES—BREACH OF COVENANT—WATERWORKS CLAUSES ACT, 1847 (10 & 11 VICT. C. 17), s. 58—WATERWORKS CLAUSES ACT, 1863 (26 & 27 VICT. C. 93), s. 18.

*Where a railway company laid a pipe and a water undertaking subsequently acquired it and covenanted to keep it in repair,*

*Held, that on proof by the railway company of a substantial diminution in the flow, caused by the pipe being furred up, they were entitled to a declaration that the water undertaking ought to repair the pipe.*

*A railway company supplied with water measured by meter to station A is not entitled to carry on such supply to station B, as so doing would not be complying with section 58 of the Waterworks Clauses Act, 1847, and section 18 of the Waterworks Clauses Act, 1863.*

This was an action by the railway company for a declaration that under a certain covenant the defendants were bound to repair a pipe, and that they were bound to do so even though the flow of water might be still sufficient to supply their railway station for ordinary railway purposes. The defendants counter-claimed to restrain the plaintiffs from using the supply of water carried on by the railway company to another station from this station. The facts were these. In 1883 the plaintiffs laid down a pipe connecting one of their railways with the water undertaking of the defendants, and they were granted by the defendants an application for the supply of water to their station on the terms of their paying for the water consumed as measured by meter. In 1910 the defendants bought this pipe from the plaintiffs and covenanted to keep it in repair. In 1886 the railway company carried down the water supply from this station to another further down the line, and used the supply to that station without ever having made an application for the supply to the second station. In 1916 the plaintiffs proved that a substantial diminution had taken place in the flow of the water to the upper station, owing to the pipe being furred up, and this action was accordingly started.

P. O. LAWRENCE, J., after stating the facts, said: There has been a breach of the covenant to repair, and the plaintiffs are entitled to a declaration that the defendants ought to repair the pipe, the proof that there has been a substantial diminution in the flow being sufficient. I also hold that the plaintiffs are not entitled to use the supply of water to the one station for the purposes of the other station, and that

is so, although they are entitled to apply the supply furnished to them at the one station to any ordinary use for railway purposes. By such user they are not complying with section 58 of the Waterworks Clauses Act, 1847, and section 18 of the Waterworks Clauses Act, 1863. The application granted was for the supply of water to the first station, and must be confined to that station. Further leave or licence for or knowledge of such user has not been proved.—COUNSEL, *Ward Coldridge, K.C.*, and *W. E. Vernon*; *C. E. E. Jenkins, K.C.*, and *J. E. Harman*. SOLICITORS, *R. H. Dawe*; *Cann & Son.*

[Reported by L. M. MAY, Barrister-at-Law.]

### High Court—King's Bench Division.

**STERN v. PRENTICE BROTHERS (LIM.).** Div. Court. 20th Dec.  
TORT—NUISANCE—ADJOINING OCCUPIERS—HARBOURING RATS—DESTRUCTION OF CROPS.

*A firm of artificial manure manufacturers had on their premises, for the purposes of their business, a heap of bones which attracted rats. The occupier of adjoining premises was a farmer. The rats made runs between the factory and the fields and entered the farmer's land, and damaged his crops. The business had been carried on for at least thirty years, and there was no evidence to show that the bone heap had been increased beyond what it had been in past years, or anything to show that an increase which had actually taken place in the numbers of the rats was due to anything done by the manufacturers.*

*In an action by the farmer against the manufacturers,*

*Held, that, in the absence of evidence shewing that there had been an unusual and excessive collection of bones on the factory premises, or of anything unusual or excessive done by the defendants, or of any duty neglected by the defendants, the plaintiff could not maintain an action for damages.*

Appeal by plaintiff from the Stowmarket County Court. The action was brought for injury to the plaintiff's crops by rats. The plaintiff was a farmer, and the defendants were bone manure manufacturers who carried on business on premises contiguous to the plaintiff's fields. The plaintiff alleged that the defendants had suffered the rats to collect on their premises in large numbers, and to escape and invade the plaintiff's crops. The defendants' premises were on land divided by a meadow from the plaintiff's fields where the damage was done. The defendants' business had been carried on for at least thirty years, and the plaintiff had made no complaint till the years 1916 and 1917, when there had been a large increase of rats on the plaintiff's fields. For the purpose of their business the defendants had a heap of bones which attracted the rats. Between the defendants' factory and the plaintiff's fields there were runs which shewed that large numbers of rats had passed backwards and forwards between the factory and the plaintiff's fields. There was no evidence to shew that the bone department of the defendants' business had increased, or that the heap of bones was larger than in past years, or anything to shew that the increase in the number of rats was due to anything done by the defendants. It was quite consistent with the plaintiff's evidence that the increase in the number of rats was due to its being a good breeding year, or to the fact that the neighbours had not killed down the rats sufficiently in the previous winter, for want of labour, perhaps, or some other cause. It was not shewn that the rats were bred on the defendants' premises, nor did it appear where they were bred, or that the defendants had neglected any duty they had of destroying the rats. The plaintiff had made no attempt to destroy rats, or to protect his crops from being damaged by them, although during the year 1917 he had occupied the meadow. The only facts, therefore, were that the defendants had a heap of bones on their premises which was likely to attract rats, and had in fact attracted rats, that the plaintiff had ripening corn crops on his land which would afford food for rats, that the rats were in the habit of crossing the meadow backwards and forwards between the defendants' factory and the plaintiff's fields, and that the rats, by feeding on the plaintiff's corn, did substantial damage. The county court judge held there was no evidence to shew a cause of action, and entered judgment for the defendants.

BRAY, J., read the judgment of THE COURT (BRAY and AVORY, JJ.): The question here is whether a man who, in the ordinary course of business, has large quantities of food on his premises which is likely to attract rats, is responsible for damage caused by rats so attracted, without any evidence that the quantities of food were unusual or excessive. It is certain that this is a novel cause of action. It is incumbent on the plaintiff to produce some authority in support of his proposition. Lord Coleridge said in *Giles v. Walker* (33 W. R. 782, 24 Q. B. D. 656): "I never heard of such an action as this. There can be no duty as between adjoining occupiers to cut the thistles which are the natural growth of the soil." Several cases were cited. The earliest is *Boulston's case* (3 Co. Rep. 104b), decided under 39 & 40 Elizabeth. It was there held that if a man makes coney boroughs in his own land which increase in so great numbers that they destroy his neighbour's land next adjoining, his neighbour cannot have an action on the case against him who makes the said coney boroughs; for as soon as the coney comes on his neighbour's land he may kill them, for they are *feræ naturæ*, and he who makes the coney boroughs has no property in them, and he shall not be punished for the damage which the coney does in which he has no property, and which the other may lawfully kill." This was an action on the case, as in the present instance, and seems to be directly in point. I am not aware that this

decision has ever been overruled or questioned. It was approved and followed in *Brady v. Warren* (1900, 2 Ir. R. 632). It was cited in *Farrer v. Nelson* (33 W. R. 800, 15 Q. B. D. 258), a case relied on by the appellants. There the plaintiff was tenant to the defendant of a farm, the defendant reserving the right to kill game. The defendant had reared large numbers of pheasants, and had turned them down in a wood adjoining the plaintiff's land, whence they had strayed on to the plaintiff's land, and damaged his crops. This was clearly distinguishable from *Boulton's case*, as the defendant had deprived the plaintiff of his right to kill or destroy the pheasants. In giving judgment Baron Pollock said: "The moment he brings on game to an unreasonable amount, or causes it to increase to an unreasonable extent, he is doing that which is unlawful, and an action may be maintained by his neighbour for the damage done." This case does not, in my opinion, support the plaintiff's proposition. The case of *Rex v. Moore* (1832, 3 B. & Ad. 184), and the cases which followed it, all cases of nuisance, were cited to us. Those cases lay down that if a person collects together a crowd of people to the annoyance of his neighbour, that is a nuisance. These cases are clearly distinguishable from the present case. The plaintiff could not kill the crowd or stop them. The crowd are not *feræ naturæ*. The last case relied on was *Bland v. Yates* (59 SOLICITORS' JOURNAL, 612). There, Mr. Justice Warrington decided that an unusual and excessive collection of manure was a nuisance, and he granted an injunction restraining the defendant from depositing, stacking, and handling manure on his land so as to be a nuisance. The nuisance consisted partly of smell, and partly of flies which bred in the manure. That case is distinguishable. The learned Judge found that there was an unusual and excessive collection of manure. There was no evidence here of anything unusual or excessive done by the defendants. In my opinion there is no authority for the proposition put forward by the plaintiff. The appeal fails and must be dismissed with costs.—COUNSEL, *Herbert Jacobs*, for the appellant; *C. E. Jones*, for the respondents. SOLICITORS, *Whites & Co.*, for *Greene & Greene*, Bury St. Edmunds; *Elvy, Robb & Welch*, for *Turner, Turner & Martin*, Ipswich.

[Reported by G. H. KNOTT, Barrister-at-Law.]

## Probate, Divorce, and Admiralty Division.

**RICHES v. RICHES AND CLINCH.** Coleridge, J. 11th December.

**DIVORCE—HUSBAND'S UNDEFENDED SUIT FOR DISSOLUTION OF MARRIAGE—UNCORROBORATED TESTIMONY OF PETITIONER AS TO THE RESPONDENT'S ADULTERY WITH CO-RESPONDENT.**

In a husband's suit for dissolution of his marriage with the respondent on the ground of her adultery with the co-respondent, the petitioner gave evidence that he had found the co-respondent in bed with the respondent, but his evidence was substantially uncorroborated.

Held, there being no statutory bar, that the Court was entitled to act on the uncorroborated evidence.

The circumstances of this case are sufficiently stated in the head note. Counsel for the petitioner cited and discussed *Curtis v. Curtis* (21 T. L. R. 676), *Getty v. Getty* (1907, P. 334), and *Weinburg v. Weinburg* (27 T. L. R. 9), and submitted that there was no hard-and-fast rule that corroboration was necessary, and that the Court had power to grant a decree if it chose, if it considered that the uncorroborated testimony worthy of belief.

COLERIDGE, J., in the course of his judgment, said: This case is very much on the line. I consider the law as to corroboration in this Court is the same as in all courts, including criminal courts. I am in the position of a jury, and I am entitled to act on the uncorroborated evidence of a witness in the absence of any statutory enactment that corroboration is essential. Here there is no substantial corroboration, but there are surrounding circumstances to aid my mind as to whether I believe the petitioner uncorroborated. He gave a succinct account of finding the co-respondent in bed with the respondent. Then there was a thrashing of the co-respondent by the petitioner, and there was the calling-in of the police to protect the co-respondent, which I believe to have taken place. There were no circumstances here which make me suspect the petitioner's evidence, and I am entitled to act upon it. I therefore grant the petitioner a decree *nisi* with costs.—COUNSEL, for the petitioner, *J. Harvey Murphy*. SOLICITORS, for the petitioner, *Charles Russell & Co.*

[Reported by C. G. TALBOT-PONSONBY, Barrister-at-Law.]

## New Orders, &c.

### Treasury Order.

**RATES OF INTEREST ON LOCAL LOANS NOT SECURED ON RATES.**

#### NOTICE.

The Lords Commissioners of His Majesty's Treasury hereby give notice that, in pursuance of the powers conferred on Them by Section 4 of the Public Works Loans Act, 1918, They have been pleased to direct by Their Minute of 14th January, 1919, that on loans granted

## LAW REVERSIONARY INTEREST SOCIETY

LIMITED.

No. 15, LINCOLN'S INN FIELDS, LONDON, W.C.

ESTABLISHED 1883.

Capital Stock	—	—	—	—	—	£400,000
Debtenture Stock	—	—	—	—	—	£331,130

REVERSIONS PURCHASED. ADVANCES MADE THEREON.

Forms of Proposal and full information can be obtained at the Society's Office.

G. H. MAYNE, Secretary.

out of the Local Loans Fund, subsequently to the date of that Minute, otherwise than on the security of local rates, there shall be chargeable the following rates of interest, viz. :—

For periods not exceeding 30 years, 6 per cent.

For periods not exceeding 50 years, 6½ per cent.

These rates shall not apply to loans under the Housing Acts or to loans under the Harbour and Passing Tolls Act, 1861, the rates for which shall remain as fixed by Treasury Minute of 26th March, 1917; nor to loans to Territorial Associations, which, under Section 6 of the Public Works Loans Act, 1903, bear interest at the rate prescribed for loans on the security of local rates.

Treasury Chambers,

14th January, 1919.

## War Orders and Proclamations, &c.

The *London Gazette* of 17th January contains the following, in addition to matters printed below :—

1. An Order in Council, dated 17th January, making additions to the Statutory List under the Trading with the Enemy (Extension of Powers) Act, 1915, as follows :—

Brazil (1); Ecuador (1); Netherlands (10); Netherlands East Indies (11); Norway (1); Spain (18); Sweden (1).

There are also various removals from and variations in the List. A List (The Consolidated List, No. 68a) consolidating all previous Lists, up to and including that of 15th November, 1918, together with List No. 69 of 29th November, List No. 70 of 13th December, List No. 71 of 20th December, 1918, List No. 72 of 3rd January, 1919, and the present List, contain all the names which up to this date are included in the Statutory List.

2. An Order in Council, dated 17th January, further amending the Proclamation, dated 10th May, 1917, and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, whereby the exportation from the United Kingdom of certain articles to all destinations was prohibited. A number of headings are deleted from the list, and a few added.

The *London Gazette* of 21st January contains no items requiring mention other than those printed below.

## Order in Council.

### NEW DEFENCE OF THE REALM REGULATIONS.

[Recitals.]

It is hereby ordered, that the following amendments be made in the Defence of the Realm Regulations :—

#### Arrest on Suspicion.

1. Regulation 55 shall be amended as follows :—

(1) After the first paragraph the following paragraph shall be inserted :—

" Any person so arrested may be detained either in civil custody or in military custody; and without prejudice to any other powers of detention any such person may, on the order of the competent naval or military authority, be detained in any of His Majesty's prisons as a person committed to prison on remand, or, in Scotland, for further examination, until it has been determined whether or not he is to be proceeded against for an offence under these regulations and, if the offence for which he is to be proceeded against is not a summary offence, until it has also been determined in what manner he is to be tried."

(2) After the words "direction from the competent naval or military authority" the following paragraph shall be inserted :—

"The power given by this regulation to an officer of the police to discharge any person in custody shall in Ireland be exercisable by a resident magistrate or in the police district of Dublin Metropolis by a divisional justice of that district."

#### Trial of Offences.

2. For sub-section (10) of Regulation 56 the following sub-sections shall be substituted :—

(10) Any person who is in custody in respect of any offence under these regulations may be detained either in civil custody or in

military custody and may at any time be transferred from civil custody to military custody or from military custody to civil custody; and without prejudice to any other powers of detention any such person as respects whom it has been determined that he is to be tried by court-martial or by a civil court with a jury may, on an order made by the competent naval or military authority in the form set out in Part III. of the Schedule to these regulations, be detained in any of His Majesty's prisons, as a person committed for trial for felony, until thence delivered in due course of law, and in every case in which a person detained in pursuance of this provision is to be tried by a civil court with a jury such an order shall, if application is made for the purpose, be made by a competent naval or military authority:

"(10a) Where any person as respects whom it has been determined as aforesaid is detained in pursuance of the provisions of the foregoing sub-section either in prison or otherwise, he may apply to the competent naval or military authority, and if that authority signifies in writing that in his opinion the case is a proper one for bail the said person may apply to a justice of the peace for bail, and the justice may on that application admit him to bail in like manner in England and Ireland as if he had been committed by that justice for trial for a felony.

"Nothing in this regulation shall affect any power of the High Court or the High Court of Justiciary, or any power of any court of summary jurisdiction, to admit any person to bail.

"The powers conferred by this sub-section on justices of the peace shall be exercisable in Scotland only by a sheriff, and in Ireland only by a resident magistrate or in the police district of Dublin Metropolis by a divisional justice of that district."

#### *Punishment on Conviction by Court Martial.*

3. In Regulation 57 after the words "as if he belonged to the unit in whose charge he may be," there shall be inserted the words "or if he is in civil custody as if he belonged to such unit as the competent naval or military authority may direct."

#### *Proclaimed Areas.*

4. In Regulation 58a for the words "paragraphs (6) to (10)" there shall be substituted the words "paragraphs (6) to (9)."

#### *Form of Order for Detention.*

5. The following shall be substituted for the form of order set out in Part III. of the Schedule of Regulations:—

"To the Governor of His Majesty's Prison at.....

Whereas A.B. is to be proceeded against for an offence under the Defence of the Realm Regulations:—

Now I, the undersigned, being the competent naval (or military) authority within the meaning of the said regulations do hereby request and require you to receive the said A.B. into His Majesty's Prison aforesaid, and therein to detain him as a prisoner committed to the said prison for trial for felony and to produce him, as and when required, for the purpose of his trial in pursuance of the said regulations and until he be delivered from your custody in due course of law.

Dated this                      day                      1919.

(Signed)  
Competent naval (or military) authority.

#### *Revocation.*

6. Regulations 8e, 15, 15d, 30b, 30d, 34A, 34b, 38A, and 42b, shall be revoked.

14th January. [Gazette, 17th January.

### **Admiralty Order.**

#### **CANCELLATION OF RAW ASBESTOS ORDER.**

Notice is hereby given that the Lords Commissioners of the Admiralty have cancelled as from the date hereof the Raw Asbestos Order (including Asbestos Crude and Asbestos Mine Fibres), made by them on the 5th day of January, 1918. The Order was published in the *London Gazette* dated the 8th of January, 1918.

16th January. [Gazette, 21st January.

### **Army Council Orders.**

#### **THE SOUTH AFRICAN WOOL AND TOPS PERMIT, 1919.**

Whereas by the Wool and Tops (Dealings) Order, 1917, as amended by the Wool and Tops (Dealings) (Amendment) Order, 1917, the Crossbred or Merino Wool (Maximum Prices) Order, 1917, and the Merino Tops (Delivery) Order, 1917, the Army Council regulated upon certain conditions Dealings in South African Wool and in Tops produced therefrom:

And whereas it is expedient that Wool and Tops of the description aforesaid should be dealt in without further restrictions:

Now, therefore, in pursuance of the powers conferred upon them by the Defence of the Realm Regulations the Army Council hereby give notice as follows:—

1. Notwithstanding anything in the Wool and Tops (Dealings) Order, 1917, as amended by the Wool and Tops (Dealings) (Amend-

ment) Order, 1917, the Crossbred or Merino Wool (Maximum Prices) Order, 1917, and The Merino Tops (Delivery) Order, 1917, dealings in South African Wool and in Tops produced therefrom are authorized and permitted without restrictions.

2. This Order may be cited as the South African Wool and Tops Permit, 1919.  
11th January. [Gazette, 17th January.

#### **THE WOOLLEN YARN PERMIT, 1919.**

Whereas by the Woollen and Worsted (Consolidation) Order, 1917, as amended, the Army Council regulated upon certain conditions dealings in Woollen Yarn for consumption in the United Kingdom:

And whereas it is expedient that Woollen Yarn of the description aforesaid should be dealt in without further restriction:

Now therefore, in pursuance of the powers conferred upon them by the Defence of the Realm Regulations, the Army Council hereby give notice as follows:—

1. Notwithstanding anything in the Woollen and Worsted (Consolidation) Order, 1917, as amended, dealings in Woollen Yarn for consumption in the United Kingdom are authorized and permitted without restriction.

2. This Order may be cited as the Woollen Yarn Permit, 1919.  
18th January. [Gazette, 21st January.

### **Ministry of Munitions Orders.**

#### **THE TAR OILS CONTROL (SUSPENSION) ORDER, 1919.**

In reference to the following Order made by the Minister of Munitions, namely,

The Tar Oils Control Order, 1918, dated the 1st February, 1918, the Minister of Munitions hereby orders as follows:—

(1) The operation of the said Order is hereby suspended on and after the 15th January, 1919, until further notice.

(2) Such suspension shall not affect the previous operation of the said Order or the validity of any action taken thereunder or the liability to any penalty or punishment in respect of any contravention or failure to comply with the said Order prior to such suspension or any proceeding or remedy in respect of such penalty or punishment.

(3) This Order may be cited as The Tar Oils Control (Suspension) Order, 1919.

15th January. [Gazette, 17th January.

## **W. WHITELEY, LTD.**

AUCTIONEERS,

EXPERT VALUERS AND ESTATE AGENTS,

QUEEN'S ROAD, LONDON, W. 2.

## **VALUATIONS FOR PROBATE,**

ESTATE DUTY, SALE, FIRE INSURANCE, ETC.

AUCTION SALES EVERY THURSDAY,

VIEW ON WEDNESDAY,

IN

LONDON'S LARGEST SALEROOM.

PHONE NO. : PARK ONE (40 LINES). TELEGRAMS : "WHITELEY LONDON."

### RADIO-ACTIVE SUBSTANCES (CONTROL) (SUSPENSION) ORDER, 1919.

In reference to the following Order made by the Minister of Munitions, namely:—

The Radio-active Substances (Control) Order, 1918, dated the 13th August, 1918, the Minister of Munitions hereby orders as follows:—

(1) The operation of the said Order is hereby suspended on and after the date hereof until further notice.

(2) Such suspension shall not affect the previous operation of the said Order or the validity of any action taken thereunder or the liability to any penalty or punishment in respect of any contravention or failure to comply with the said Order prior to such suspension or any proceedings or remedy in respect of any such penalty or punishment.

(3) This Order may be cited as the Radio-active Substance (Control) (Suspension) Order, 1919.

21st January.

[Gazette, 21st January.

### Board of Agriculture Order.

#### TESTING OF SEEDS ORDER, 1918.

GENERAL LICENCE TO SELLERS OF TARES OR VETCHES, FIELD TURNIP, SWEDE, RAPE, FIELD CABBAGE, FIELD KALE, FIELD KOHL RABI AND MANGEL FOR SEED.

The Board of Agriculture and Fisheries, the Board of Agriculture for Scotland, and the Department of Agriculture and Technical Instruction for Ireland, having been nominated by the Food Controller, jointly, as the Government Department by or under the authority of which licences under Clause 1 of the Testing of Seeds Order, 1918, are to be issued, hereby authorize all persons concerned to sell seeds of the kinds mentioned in Part III. of the First Schedule of the Testing of Seeds Order, 1918, viz., Tares or Vetches, Field Turnip, Swede, Rape, Field Cabbage, Field Kale, Field Kohl Rabi, and Mangel without declaring the actual percentage of germination as required by Clause 2 (b) of the Order, provided that the percentage of germination is not less than the Standard of Germination as set out hereunder and that a statement to that effect is made as required by Clause 1 (b) of the Order.

	Standard of Germination for purposes of Clause 2 (b)
Tares or Vetches ... ..	90 per cent.
Field Turnip ... ..	85 " "
Swede ... ..	85 " "
Rape ... ..	85 " "
Field Cabbage ... ..	75 " "
Field Kale ... ..	75 " "
Field Kohl Rabi ... ..	75 " "
Mangel ... ..	120 " "

### Food Orders.

#### THE RATIONING ORDER, 1918.

##### DIRECTIONS FOR GENERAL BUTCHERS AND THEIR CUSTOMERS.

1. For the purposes of these directions "general butcher" means a butcher who sells butcher's meat other than pork, whether or not he also sells pork and offal.

"Emergency customer" means a person lawfully holding and using a soldier's or sailor's leave or duty ration book, demobilization ration book, traveller's ration book or an emergency ration card which is not marked with the name of another general butcher.

A person in respect of whom a visitor's declaration form has been handed to and lawfully accepted by a general butcher is deemed to be registered with that butcher during the period for which the form is valid.

2. A general butcher may supply butcher's meat (other than pork) only—

- (a) to his registered customers; or
- (b) to emergency customers without registration (if he has more than sufficient supplies for his registered customers).

3. (a) A person may obtain butcher's meat (other than pork) from a general butcher only if he is registered with him for the purpose. This restriction does not apply to an emergency customer.

(b) Pork may be supplied by a general butcher to and obtained by any person without the surrender of any coupon.

4. Butcher's meat (other than pork) may be obtained or supplied against the coupons marked "meat," "butcher's or other meat" or "other meat only."

5. A general butcher may supply to any person without detaching coupons—

- (a) such meat or meat articles as are from time to time declared by the Food Controller to be obtainable from a general butcher without coupons; and
- (b) any perishable stocks in respect of which a licence has been issued to him by his Food Committee.

6. A half coupon may be used for supplying and obtaining meat. The provisions of these directions shall apply to a half coupon in the same way as they apply to a coupon; but the amount of meat to be supplied

against a half coupon shall only be half the amount which may be supplied against a whole coupon.

10. The number on each coupon corresponds with a particular week in accordance with the statement in the ration book, and the coupon can only be used for supplies made in the period from the Sunday of that week up to and including the Wednesday in the week following.

11. A general butcher must divide his supplies as fairly as possible between his registered customers. He is not bound to supply the full ration to first-comers unless he is certain of having enough to give full rations to all.

12. These directions do not affect sales to Residential Establishments, Catering Establishments or Institutions in accordance with special directions issued to such establishments, or sales on a seaman's meat card in accordance with any directions issued for such sales.

13. A general butcher must keep prominently displayed in his shop a copy of such parts of the official Table of Equivalent Weights of Meat for the time being in force as relate to all kinds of meat sold by him.

14. The Directions for General Butchers and their Customers, dated 29th July, 1918 [S.R. & O., No. 960 of 1918], are hereby revoked, without prejudice to any proceedings in respect of any contravention thereof.

31st December.

### THE SUGAR ORDER, 1917.

#### Authorization.

The Food Controller hereby authorizes and directs that:—

On and after the 30th December, 1918, until further notice, every voucher issued pursuant to the Sugar Order, 1917 [S.R. & O., No. 1049 of 1917], authorising the supply of sugar to a person for the purpose of a manufacturing business, shall be valid for double the amount stated upon the face of such voucher; and all persons concerned are hereby authorized to make and take delivery of and to use such amount of sugar accordingly, notwithstanding anything to the contrary contained in the Sugar (Restriction) Order, 1918 [S.R. & O., No. 528 of 1918].

31st December.

### THE SUGAR ORDER, 1917. THE RATIONING ORDER, 1918.

#### Authorization.

The Food Controller hereby authorizes and directs that until further notice every Authority and Voucher issued pursuant to the above Orders authorizing a supply of sugar to a Catering Establishment or a Residential Establishment or an Institution in respect of the four weekly periods beginning 26th January, 1919, or any subsequent period, shall be valid for the amount stated upon the face of such Authority and Voucher and an additional amount of 50 per cent. [S.R. & O., No. 1049 of 1917 and No. 894 of 1918].

31st December.

### Demobilization and Re-settlement.

No more urgent task follows upon the demobilization of the Forces than the re-instatement in civil life of the soldiers and sailors. The number of men to be dealt with in this country alone makes the labour gigantic; but the machinery exists for performing it, and it only remains for intending employers and employees to avail themselves of their opportunity. The Employment Exchanges, assisted by the Local Advisory Committees, which represent equally the interests of both parties in every neighbourhood, have the organization ready for use. The staffs of the Exchanges have been considerably strengthened in order to meet the extra strain thrown upon them. It is not generally known that branches have been set up to deal with discharged men only, in a great number of cases special sections for disabled men having been established. As far as possible, the work in these new additions to the Exchange system is carried on by men in the same position as those whom they are helping back to civil employment. Discharged men, with no small proportion of disabled among them, superintend the placing of discharged and disabled men. It has been found that the loss of an arm, of a leg, of two legs, and even of eyesight is no insurmountable obstacle to the performance of efficient work, given employers who will employ the men, and the Exchanges which make use of such men are patent examples of the fact that war, even when it has dealt serious bodily injuries, does not unfit the fighter for successful life as a civilian.

### Societies.

#### The Annual Meeting of the Bar.

The Attorney-General (Sir Gordon Hewart, K.C.) presided over the annual general meeting of the Bar, held in the Inner Temple Hall on Friday, the 17th inst., and the Solicitor-General (Sir E. Pollock, K.C.) was among the members of the General Council of the Bar who were present.

In expressing, says *The Times*, the congratulations of the Bar to his predecessor in the office of Attorney-General upon his appointment as Lord Chancellor, Sir Gordon Hewart said that in one sense only did they find cause for regret in that appointment, and that was that they would lose as a member of the Bar one to whom they had never had a more loyal friend. The new Lord Chancellor carried with him to his exalted position the good wishes of every member of the Bar. No one

admired more than did his old comrades of the Bar the brilliant intellectual qualities which had placed him at so early an age in the high position that he now held, and they had not the slightest doubt that the State might look to him for many years of distinguished service. Of the retiring Lord Chancellor, Lord Finlay, they could never think without profound respect and admiration. At the Bar he had been the perfect embodiment of everything that the Bar should wish to become, and as Lord Chancellor he had maintained the reputation which he had gained at the Bar and the highest traditions of the Wool-sack, and had endeared himself to all who had the honour of appearing before him by his unvarying and impartial kindness and consideration.

The annual statement of the General Council of the Bar mentioned that 1,438 barristers had served, or were serving, in the Forces of the Crown, and that of this number 190 had given their lives in the service of their country, one had received the Victoria Cross, 100 the Military Cross, and forty the Distinguished Service Order, while thirty-three had been mentioned in despatches. That list, by no means exhaustive, was a proud record. The subject of demobilization was now occupying their thoughts, and he would be glad to think that the speed with which members of the Bar would be released from service in the Forces might bear some relation to the alacrity with which they had joined up. To no profession was the phrase "a one-man business" more applicable than it was to the Bar. For those of their colleagues who willingly and in great numbers placed their services at the disposal of their country during the war they could not do too much, and he urged members of the profession to do what they could individually in this matter, and not to rely on a Government Department or on the special committee appointed by the Bar Council to accomplish all that was requisite.

Mr. J. A. Foote, K.C., in moving the adoption of the Council's annual statement, said that the war had thrown on the Council a very considerable burden, and in no previous year had there been so much work to be done as in the period covered by the report. They were asked by the Demobilization Department of the Labour Ministry to arrange a system of priority among members of the Bar desiring discharge from the Army. A special committee appointed for the purpose had held seven sittings since 13th December, and had dealt with 184 cases.

Mr. Rawlinson, K.C., seconded the motion.

Sir Reginald Acland, K.C., speaking of the work of the Demobilization Committee, suggested that there were members of the Bar who had been able to keep their practice during the war who could give enormous assistance to their colleagues who had nobly and courageously surrendered their position in the interests of the country and now wished to return to the practice of their profession. With regard to those who did not desire to resume their practice, but were anxious to obtain appointments in which their legal training would aid them and their powers of command gained during the war might be of value, the Committee had asked various Government Departments what appointments would be open to such men, and that in making appointments, where the qualifications of candidates were equal, priority might be given to those applicants who had served their country in the war. Information concerning other classes of appointments could be obtained from the Appointments Branch of the Labour Ministry.

The Council's statement was unanimously adopted.

## The Law Society.

### GENERAL MEETING.

The Secretary of the Law Society (Mr. E. R. Cook) has addressed the following circular to the members:—

21st January, 1919.

DEAR SIR,—I am directed to inform you that a special general meeting of the members of the Society will be held in the Hall of the Society, on Friday, 31st January, at 2 o'clock.

The President will submit proposals for the establishment of a war memorial to solicitors and their articled clerks, and move a resolution in support.

Sir Walter Trower will give notice that at the annual general meeting of the Society, to be held in July next, he will move:—"That in view of the pledge of the Prime Minister to remove all existing inequalities of the law as between men and women and to ensure for women the opportunities they seek in our schools and universities to fit them for the trades and professions in which they can suitably engage, they be admitted to the Society's lectures and classes."

Mr. H. P. Gisborne, London, will move:—"That it is in the public interest as a measure of reconstruction that there should be a complete fusion between the two branches of the legal profession, which should be open to women."

Mr. E. A. Bell, London, will ask the following question:—"What attitude does the Council propose to adopt relative to the Bill now about to be laid before Parliament providing for the admission of women into the legal profession?"

## Royal Society of Arts.

### SWINEY PRIZE.

The Swiney Prize for 1919 has been awarded to Dr. Charles Mercier for his work, "Crime and Criminals." He also received it in 1909 for his work, "Criminal Responsibility." The prize, which consists of a sum of £100 contained in a cup of the same value, was established under the will of Dr. George Swiney, who died in 1844. It is awarded every

fifth year, on the anniversary of the testator's death, for the best published work on jurisprudence. The award is given alternately for medical and general jurisprudence, the adjudicators being Fellows of the Royal Society of Arts and Fellows of the Royal College of Physicians.

## The Selborne Society.

### VISIT TO LEGAL LONDON.

The Selborne Society will, on Saturday afternoon, 1st February, inaugurate a series of rambles descriptive of the administration of the law in all its aspects, when a visit will be made to the Royal Courts of Justice under the guidance of Sir Edward Marshall Hall, K.C. Meeting at the main entrance to the Courts at 2.15 p.m., and visiting the principal courts and departments, the procedure during an action will be fully described. This presents an unusual opportunity of bringing home to laymen (the visit being open to non-members of the society) the significance and inner history of civil actions. The second visit of the series will be to the Law Society's Hall on 8th March, when a similar opportunity will be afforded of a full description of the work of the solicitor's profession. Full details of these and future visits can be obtained from the Society's offices, 83, Avenue-chambers, W.C. 1.

## Union Society of London.

The eleventh meeting was held in the Middle Temple Common Room on Wednesday, 22nd January, 1919, at 8 p.m. The subject for debate was "That immediate steps should be taken by the Allies to establish a stable Government in Russia." Opener, Mr. Coram; opposer, Mr. F. D. Yeatman. The motion was lost.

## Society of Incorporated Accountants and Auditors.

Mr. James Martin has resigned the secretaryship of this Society, which he has held for thirty-three years, and has been appointed Adviser to the Society's Council.

## Damage by Aircraft in Peace.

The following are extracts from the reports of the Civil Aerial Transport Special Committee on Legal Questions and the Main Committee relating to civil liability for damage by aircraft which are referred to under "Current Topics." They refer to clause 12 of the proposed Aerial Navigation Bill of 1913.

### FROM THE REPORT OF THE SPECIAL COMMITTEE.

#### Clause 12.

This clause is very important to private landowners. It proposes to deprive the landowner of his frequently asserted right to the air space over his land *usque ad cælum*. To retain this doctrine in its entirety would be fatal to civil aeronautics. On the other hand, to allow unrestricted flying over private property at all altitudes would interfere with the reasonable rights of landowners. The interference would take the form either of trespass or of nuisance.

The Committee think that the following recommendations would, on the one hand, give reasonable protection or compensation to landowners and, on the other, impose on aviators no obligation which could not be covered by insurance at reasonable rates, and so avoid hampering the development of civil aeronautics.

The Committee therefore recommend that the Bill should provide as follows:—

(a) No action for trespass should lie except for material damage to person or property, whether caused by flight, ascent or landing, or the fall of objects from aircraft.

(b) That this right of action for trespass should include one for injury caused by the assembly of persons on the landing or ascent of aircraft elsewhere than at authorized aerodromes or landing places.

(c) That the obligation on the aviator in an action for trespass should be absolute, negligence not being a necessary element in his liability and "unavoidable accident" no defence.

(d) That an action for nuisance should lie for damages only, and then only if breach of flying regulations is proved as well as actual nuisance.

(e) That special flying regulations should be made in connection with the ascent and landing from or at authorized aerodromes and landing places, and for the area around the aerodrome or landing place over which aircraft must necessarily be at low altitudes. Nuisance and injury to the value of the property caused by the existence of aerodromes and landing places are met by paragraph 10 of this report.

(f) That the power of seizure and detention proposed in clause 12 should be limited to what is necessary to establish the identity of the aviator and his aircraft.

Reasonable apprehensions may be entertained of nuisance being caused by the frequent flight of aircraft at low altitudes along regular

routes, but the Committee are not at present in a position to make any recommendation as to limitations of altitude being prescribed by regulation.

#### FROM THE REPORT OF THE MAIN COMMITTEE.

12. Clause 12 of the Bill is of the greatest importance as affecting the general rights of landowners in the air space over their land. This right has generally been recognized in English law to extend *usque ad caelum*, and, although some authorities have held that the right only extends to a height sufficient for the reasonable enjoyment of the land, any application of the *usque ad caelum* doctrine in its entirety would be fatal to the development of aeronautics. The clause as originally drafted in the Bill relieved the owner of aircraft from liability for trespass in respect of his flight over land in the British Islands, but preserved the common law rights and remedies of persons in respect of injury to property or person caused by the aircraft or by any person carried therein. We agree with Special Committee No. 1 that the clause does not proceed far enough in determining the respective rights and liabilities of the owner of aircraft and the landowner, and we adopt the suggestions of the Special Committee to extend the provisions of the clause in the manner indicated in their report. These suggestions may be looked at from two points of view, viz., the remedies of persons on land for trespass or material damage to their property and their remedies for nuisance.

Admittedly persons on land are practically powerless to ensure their own safety by precautionary measures against damage caused by the fall of aircraft or of objects carried therein. It is a matter of some doubt whether under existing principles of law persons suffering such damage would be called on to prove an affirmative case of negligence or intentional trespass. It is possible that the Courts might hold aircraft to be within the class of those things which the owner keeps or uses at his peril. We think it preferable that the principles applicable should be defined by legislation rather than that they should be left for solution by a series of judicial decisions; we think, too, that as far as damage done by aircraft is concerned the deprivation of the landowner of what is almost certainly an existing right of property should be compensated by what will be in effect an insurance of himself and his property against such damage. Nor do we think that in practice the expense of insuring himself against third party risks will prove very burdensome to the owner of aircraft.

As affecting the question of nuisance or trespass to the property of the landowner in the air space above his land, we have given careful consideration to the possibility of defining some altitude, flying below which would involve a civil liability on the owner of aircraft. We have come to the conclusion that to attempt to prescribe any such altitude is impracticable, and that it will be sufficient to protect the landowner by giving him a specific right of action for damages for actual nuisance caused in breach of flying regulations in the manner suggested by Special Committee No. 1. Since nuisances by aircraft are most likely to arise in connection with the ascent from and landing at aerodromes, we recommend that special attention should be paid to the flying regulations applicable to such ascent and landing.

## Penny Postage.

The Council of the London Chamber of Commerce at a recent meeting resolved to forward to the Prime Minister, the President of the Board of Trade, and the Postmaster-General a memorandum dealing with postal and telegraphic questions.

After recording their conviction that in the interest of British trade the Government should at the earliest possible date effect a return to the postal and telegraphic conditions which the public enjoyed before the war, the Council say that first in order of importance they place penny postage, and declare that the incalculable advantages which followed its introduction do not need emphasizing. The commercial community, it is stated, raised no objection to the increase proposed by the 1918 Budget, when the end of the war did not appear to be in sight, when the total cost of the war could not be estimated, and when the general situation necessarily restricted commercial enterprise. The circumstances have already changed, and the Council contend that the arguments in favour of the increased postal charges are no longer tenable.

The Council then urge the introduction of penny postage with France, the complete freedom of cable communication as in pre-war times, the unrestricted use of cable codes other than those now officially authorized, and of registered telegraphic addresses, as well as the resumption of the deferred and week-end cable rates.

## A League of Nations.

Lord Shaw of Dunfermline addressed a meeting at the Law Society's Hall, Chancery-lane, on the night of Thursday, the 16th inst., for the purpose of explaining the objects of the League of Nations Union. Mr. R. A. Pinsett (President of the Law Society) was in the chair.

Lord Shaw, says the *Times*, said that just as the American public would have wished to see Mr. Taft standing side by side with the President in the Paris negotiations, so by the side of our own Prime Minister our own nation would have desired to see Lord Grey. The absence of Mr. Taft and Lord Grey was a loss to the cause, and a loss to the world. But other resolute men were there, including Lord Robert

Cecil. Unless the bargains to be made were preceded by definite arrangements that those bargains would be effectively kept and honoured, the Conference would be a beating of the air.

To conceive of a League of Nations as something merely negative, prohibitive, or restrictive was to take a narrow and mistaken view. Already the movement had reached a striking point of significance in the nearing reunion of the Anglo-Saxon race. The case was one for good hope. If the Anglo-Saxon race was thus united, it was inconceivable that our Allies, and notably France, would fail to join this greatest of alliances that the world had ever known.

## Law Students' Journal.

### Yorke Prize at Cambridge.

The Yorke Prize at Cambridge, value about £115, for the best essay upon some subject relating to the Law of Property, has been awarded to Mr. John Walter Jones, B.A., LL.B., of Emmanuel College. Mr. Jones, who went up from the University College of Wales, Aberystwyth, took first-class honours in the Law Tripos of 1916, and won the George Long Prize for Roman Law and Jurisprudence.

### Law Students' Societies

**LAW STUDENTS' DEBATING SOCIETY.**—At an extraordinary general meeting of the society, held at the Law Society's Hall on the 14th January, 1919 (Mr. W. S. Jones in the chair), it was decided that the meetings of the society should be resumed, meetings for the present to be held fortnightly instead of weekly. A provisional committee was elected as follows:—Messrs. W. S. Jones (hon. treasurer), C. P. Blackwell and J. B. Willis (hon. secretaries), H. J. Meyer (hon. reporter), C. F. King, and J. E. Tunncliffe.

## Legal News.

### Appointments.

The Honourable Sir LOUIS HENRY DAVIES, K.C.M.G., Chief Justice of Canada, and the Honourable LYMAN POORE DUFF, a Puisne Judge of the Supreme Court of Canada, have been appointed Members of the Privy Council.

Captain LINDSAY JOHN ROBERTSON, R.A.F., barrister-at-law, formerly Professor of Hindu Law and afterwards Principal of the Law School, Bombay University, has been appointed by the Council of Legal Education Lecturer in Hindu and Mahomedan Law at the Inns of Court, in place of the late Sir Frederick A. Robertson, K.B.E.

### Changes in Partnership.

#### Dissolution.

ALBERT HOWE and GEORGE EDWARD SMITH, solicitors (Howe and Co.), 2, Meeting House-lane, Sheffield, December 31. The said George Edward Smith will continue to carry on business at the same address under the same style or firm. [*Gazette*, 21st January.]

#### General.

The Assizes at Appleby were not held on Monday, there being no cases, either civil or criminal, for trial.

Addressing the boys of his old school, Friars, Bangor, on Tuesday, Mr. Justice Atkin expressed the opinion that in the higher classes of schools a certain modicum of law might be taught.

Mr. Henry Brierley, M.A., registrar of the Wigan County Court, and president of the Lancashire Authors' Association, is celebrating his legal jubilee, it being just fifty years since he was admitted a solicitor.

The *Times* special correspondent at The Hague, in a message dated the 18th inst., says:—The *Münchener Zeitung* reports the following curiosity of the elections to the Bavarian Diet: "In the idyllically-situated place Lautrach is an asylum for idiots conducted by Franciscan nuns. To the astonishment of the population, the patients of the establishment were taken to the polling booth by the nuns to record their votes. The Social-Democratic Party has entered a protest against this procedure."

At Bow-street Police Court, on the 16th inst., says the *Times*, before Mr. Garrett, John Burns, carrying on business under the name of "Supply Stores" at Drummond-street, N.W., was summoned at the instance of the Board of Trade for failing to furnish within the prescribed time a statement containing the particulars required under Section 3 of the Business Names Act, 1916. It was stated by Mr. Burrows, for the prosecution, that the defendant had at various periods passed under several different names. The defendant pleaded "Guilty," but attributed his default to ignorance of the provisions of the Act. He complained that he, a British-born subject, should be singled out for persecution when there were plenty of Jews and foreigners trading with

impunity under assumed names in the same street. Mr. Garrett ordered the defendant to pay a fine of £100 and £5 5s. costs.

The death, says the *Times*, is announced of Mrs. Napier Higgins, of Nether Winchendon, Bucks, widow of the well-known Chancery counsel, Joseph Napier Higgins, Q.C., of Lincoln's Inn, which took place on 20th January, in her ninetieth year. Mrs. Higgins was the only surviving daughter of Sir Thomas Tyringham Bernard, Bart., of Nether Winchendon, by his marriage with Sophia Charlotte, daughter of Sir David Williams, Bart. She was well read in historical subjects and the author, among other works, of "Women of Europe in the Fifteenth and Sixteenth Centuries," and a family history, "The Bernards of Abington and Nether Winchendon." Her great-grandfather, Sir Francis Bernard, was Governor of Massachusetts at the beginning of the American War of Independence and was awarded a baronetcy for his services. Mrs. Higgins is succeeded in her estates at Nether Winchendon and Cuddington by her only surviving son, Lieutenant-Colonel Francis Tyringham Higgins Bernard, who has been serving in France and Belgium.

At London Sessions, on Wednesday, says the *Times*, Charles Clarke (63), John Grantham (53), and George Hayes (49), dustmen employed by the Marylebone Borough Council, were charged with stealing three sacks containing rags, paper, and bottles, declared to be the property of the Council. The jury acquitted the men. Sir A. Bodkin, prosecuting, said that the proceedings were instituted to put an end to what was alleged to be a mischievous and dishonest practice known as "totting." This was the collection and sale of anything marketable saved by dustmen from the refuse they collected. Since April, 1917, the council had done its own collection of refuse, and the dustmen were informed that "totting" must cease. The dustmen unanimously agreed to the proposal and "totting" was absolutely prohibited. The dustmen received a standing wage of 30s. a week, and a war bonus of 19s. Their commission on the sale of the waste amounted to over 15s. a week. Mr. Fox-Davies, for the defendants, said that for years, probably for centuries, dustmen had been picking up from the refuse the few things they could find a sale for. The men put forward a claim of lawful right.

## Court Papers.

### Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON				
Date.	EMERGENCY ROTA.	APPEAL COURT No. 1.	Mr. Justice RYE.	Mr. Justice SARGANT.
Monday.. Jan. 27	Mr. Farmer	Mr. Church	Mr. Goldschmidt	Mr. Leach
Tuesday .....	Jolly	Farmer	Leach	Church
Wednesday .....	Synges	Jolly	Church	Farmer
Thursday .....	Bloxam	Synges	Farmer	Jolly
Friday .....	Borror	Bloxam	Jolly	Synges
Saturday Feb. 1	Goldschmidt	Borror	Synges	Bloxam
Date.	Mr. Justice ASTBURY.	Mr. Justice YOUNGER.	Mr. Justice PETERSON.	Mr. Justice F. O. LAWRENCE.
Monday.. Jan. 27	Mr. Borror	Mr. Bloxam	Mr. Synges	Mr. Jolly
Tuesday .....	Goldschmidt	Borror	Bloxam	Synges
Wednesday .....	Leach	Goldschmidt	Borror	Bloxam
Thursday .....	Church	Leach	Goldschmidt	Borror
Friday .....	Farmer	Church	Leach	Goldschmidt
Saturday Feb. 1	Jolly	Farmer	Church	Leach

## Creditors' Notices.

Under 22 & 23 Vict. cap. 35.

LAST DAY OF CLAIM.

London Gazette.—TUESDAY, Jan. 7.

RISHOP, THOMAS TOWAN, Devonport, Baker Jan 31 Albert Gard & Co, Devonport  
BLISS, ERNEST COULSON, Herne Bay Feb 10 Martin & Nicholson, 23, Queen st  
BRAND, JANE ELIZABETH, Wigan Jan 17 James C Gibson, Wigan  
BULLOCK, JOSEPH THOMAS, Southsea Feb 10 John R C Miller, Southsea

BURRITT, GEORGE HENRY, Prince Arthur rd, Homstead Feb 18 Marsden, Barnett  
Fidhull & Day, 11, Henrietta st, Cavendish sq  
BURRELL, ALBERT, Beresford rd, Green Lane, Harringay Feb 8 William H. Mason, 76  
Finbury pvt  
DAYET, Hon ARTHUR JET, Godalming, Surrey Feb 12 Elder, Heaton, Meredith &  
Mills, 4, New sq, Lincoln's inn  
DEST, AGNES LOUISA, Kingwood Hants Feb 22 Lowe & Co, 2, Temple gdns  
DOWNING, JOHN SHORT, Birmingham, Manufacturer March 1 James Rigoey, Son &  
Brown, Birmingham  
EDDISON, SAMUEL JOHN, Leeds, Artist Feb 3 Geo Francis Stett, Leeds  
ELVINGE, GEORGE HENRY, Rye, Sussex Jan 21 Dawes & Son, Rye  
EVANS, JOHN, Liverpool Feb 14 Labron, Johnson & Son, Liverpool  
GREGORY, Sir PHILIP SPENCER, Lowndes sq Feb 8 Hanbury, Whitting & Ingle, 62,  
New Broad st  
HAMILTON, Rev Canon CHARLES JAMES, Walton on Trent Jan 31 Mooly & Woolley  
Derby  
HAMILTON, GEORGINA ELIZABETH, Victoria, BC Jan 31 Moody & Woolley, Derby  
HAMILTON, HENRY, Bournemouth Secretary Jan 28 Sidebotham & Sidebotham,  
Manchester  
HIBBERT, MARISSE JENNIE STUART, Lucerne, Switzerland Feb 15 Field, Roscoe & Co  
24, Lincoln's inn fields  
HIGHT, CHARLES, Southampton, Bank Cashier Feb 18 Paris, Smith & Randall  
Southampton  
HILL, THOMAS ISAAC, Liverpool, Custom House Officer Feb 28 J E Suter, Liverpool  
HUNTLEY, MARY ANN, West Hartlepool Feb 5 H W Bell, West Hartlepool  
JACKSON, SARAH ANNE, Cazenove rd, Stoke Newington Feb 6 Dunkerton & Son, 23,  
Bedford row  
LEAKE, WILLIAM MARTIN, Court rd, West Norwood Feb 10 Davidson & Morris, 40  
& 42, Queen Victoria st  
LEWIS, HANNAH, Edith rd, Peckham Feb 15 F Duke & Son, 18 & 19 Ironmonger in  
LOWE, JOHN, Staverton, Devon, Nurseryman Feb 18 Watia, Woolcombe & Watia  
Newton A bot, Devon  
LYNCH, GILBERT, Weymouth st, Portland pl, Doctor March 1 Howard Rumney, 12  
Craven st, Charing Cross  
MALBY, THOMAS FLOWER, Mark Id, Stoveadore Feb 14 T Richards & Co, 31, York  
pl, Baker st  
MATTHEWS, ANNE AUGUSTA, Fenny Compton, Warwick Feb 12 Fairfax & Barfield,  
Banbury  
MOORE, HARRIET MATILDA, Stevenage, Herts Feb 15 Ward, Bowie & Co, 7, King st  
Chesapeake  
MURRAY, WILLIAM HENRY, Iford, Chemist Feb 14 Aldr. Hood & Co, 4, Brabant st  
NORMAN, Canon ALFRED MERLE, Great Berkhamstead Feb 5 Frederic Wood, Wring-  
ton, Somerset  
NUNN, THOMAS TAYNSHAM, Loughton, Essex March 10 Ashley, Teo & Sons, 7  
Frederick's pl, old Jersey  
PERCIVAL, Rev JOHN, Oxford Feb 22 J A Neale, 17, Temple House, Temple av  
PILBROW, ELIZABETH ANNE, Rugby mans, Addison Bridge, Kensington Feb 11 Basil  
H Wilkinson, 108A, Cannon st  
PRESTON, FRANK HENRY, Lower Richmond rd, Putney Feb 7 Gedge, Flake & Gedge  
10, Norfolk st, Strand  
RING, GEORGE KOW, Surrey Feb 7 Hilder, Thompson & Dunn, 36, Jermya st  
St James's  
ROBERTS, THOMAS ELLIS, Colwyn Bay Feb 6 Porter, Amphlett & Co, Colwyn Bay  
STEVENS, ARTHUR, St Albans Feb 18 Thom Outway, St Albans  
STOCK, St. LOUISA ELIZABETH, Staines March 1 Stanley B Worth, New Broad st House  
New Broad st  
SUTTON, Captain Sir RICHARD VINCENT, Bart, Newbury March 1 Atkey, Clarke &  
Atkey, 9A, Sackville st  
TAYLOR-WHITEHEAD, JULIA, Upper Phillimore gdns, Kensington Feb 15 REF Lander  
8, Serjeants' inn, Fleet st  
TOWERS, MARGARET ANN, Carter st, Walworth Feb 7 Huntley & Son, 33,  
Tooley st  
TURNBULL, ARTHUR FRANCIS XAVIER, Mexico Feb 15 Field, Roscoe & Co, 36, Lin-  
coln's inn fields  
WARRING, HARRIET MORTON, Manchester, Jeweller Feb 8 March, Pearson & Aken-  
head, Manchester  
WATERS, HENRY CAMPBELL, Brighton Feb 1 Chas C Davis, Hove  
WRIGHT, CALEB NICHOLS, Southend on Sea Feb 17 Tolhurst & Cosens, Southend  
on Sea  
YOUNG, HERBERT NUGENT, Leamington Feb 1 Hiscott, Troughton & Grubbs, 5, Stone  
bldgs, Lincoln's inn

London Gazette.—FRIDAY, Jan. 10.

ABELSETH, CHRISTOPHER NICOLAY, Vange, Essex, Engineer Feb 17 Upton, Britton &  
Lynch, 45, Bedford sq  
BAKERDALE, FRANCIS HUGH, Uckfield, Sussex March 1 Atkey, Clarke & Atkey, 9A  
Sackville st  
BENDHEIM, HENRY, New York Feb 22 Allen & Son 17, Carlisle st, Soho sq  
BENNETT, WALTER ROBINSON, Bury, Lancs Feb 11 C H Pickstone, Ratcliffe  
BENTLEY, JOHN, Brighouse, Stone Merchant Feb 29 Jubb, Booth & Helliwell  
Hullfax  
BOWEN, WILLIAM, Pontypridd Feb 10 W R Davies & Co, Pontypridd  
HUGHES, E. BERT, Black cat, Draper Feb 10 Roland W Robins, Blackpool  
CAMPBELL, MARGARET FYFE, Woburn rd, Croydon Feb 10 Allen, Edwards & Oldfield  
16, Eastcheap

# THE LICENSES AND GENERAL INSURANCE Co., LTD.

CONDUCTING THE INSURANCE POOL for selected risks.

## FIRE, BURGLARY LOSS OF PROFIT, EMPLOYERS', FIDELITY, GLASS, MOTOR, PUBLIC LIABILITY, etc., etc.

Non-Mutual except in respect of **PROFITS** which are distributed annually to the Policy Holders

**THE POOL COMPREHENSIVE FAMILY POLICY** at 4/6 per cent. is the most complete Policy ever offered to householders.

**THE POOL COMPREHENSIVE SHOPKEEPERS' POLICY** Covers all Risks under One Document for One Inclusive Premium.

## LICENSE

## INSURANCE.

## SPECIALISTS IN ALL LICENSING MATTERS

Suitable Clauses for Insertion in Leases and Mortgages of Licensed Property, settled by Counsel, will be sent on application.

For Further Information, write:

**24, MOORGATE ST., E.C. 2.**

CAPLING, WILLIAM RICHARDSON, Cavendish rd, Finsbury Park Feb 1 Danell & Glover  
99, Colman st  
CARR, RUTH, Newcastle upon Tyne Feb 10 Maughan & Hall, Newcastle upon Tyne  
CLEMINSHAW, MARIA, North Cive, York Feb 5 Burland & Mac Turk, 8 outh Cive  
DEAN, WILLIAM JOHN and ELIZABETH ANNIE LEONORA DEAN, Bombay, India Feb 2 Green, Moberly & Green, Southampton  
DE LUCA, GIUSEPPE VINCENZO, C. Ellis mas, Carlisle pl, Managing Director March 3 Stock & Saker, 19, Watbrook  
EDDLSTON, JOHN MALIN, Grappenhall, Chester Feb 18 Robert Davies & Co, Warrington  
ELLIS WILLIAM DEWAR New York Jan 26 Dowsons, 18, Adam st, Adelphi  
EMANUEL, EMANUEL, Portsea Feb 20 Emanuel & Simmonds, 23, Finsbury sq  
FENT, S, ARTHUR, Sister-in-law Clapham Common Feb 9 Walker, Martineau & Co, 26, Theobalds, rd Gray's Inn  
FOAN, GEORGINA, Cambridge st, Hyde Park Feb 14 Marston & Robinson, 39 Essex st, Strand  
GARDIN, ALICE MAUD HANNAH, Warrington cres, Malia Vale March 1 Fred J Gardin, H 11  
GARRSD, JOHN LAW, Eland, Yorks, Solicitor Feb 22 Barstow & Midley, Eland  
GRAHAM, HENRY, Dock House, Billiter st Jan 30 Welman & Sons, 769, Westbourne grove, Bayswater  
HALL, THOMAS, Hartlepool, General Dealer Feb 13 H W Bell, West Hartlepool  
HITCHCOCK, THOMAS, Lavenham, Suffolk, Merchant Feb 22 Goody, Sons & Weatherall, Colchester  
HOLBROOK, ROBERT DUNCAN, Frithville gdns, Middx Feb 5 Geo & G W Rands, North-smock  
HOLT, ADA EDITH, Kenley, Surrey March 10 Langhams, 10, Bartlett's bldgs, Hol-bon-cir  
HUNTER, CATHERINE LOUISA, Burnsmouth Feb 10 Robert G Harrison, 8, Bush in  
HUNTER, HENRY, Newcastle upon Tyne, Veterinary Surgeon Feb 15 Mabane, Graham & Mabane, South Shields  
HURST, JULIA, Queen's walk, Ealing Feb 25 Verrill & Sons, Worthing  
KATY, MARY HANNAH, Swinton, nr Manchester Feb 15 Eg Whitworth, Ashton under Lyne  
KEIGHLEY, RICHARD, Bradford Feb 1 Gordon, Hunter & Duncan, Bradford  
KENNY, JOHN, Wellington rd, Regent's Park March 31 Woodroffe & Ashby, 39, Eastcheap  
LARKING, RONALD GUY, Melbourne, Australia Feb 15 J R Cardew Smith, 25, Bedford row  
LEE, PERY CLARENCE, Hulme, Chester, Woollen Manufacturer Feb 23 Grundy, Kershaw, Samson & Co, Manchester  
LEE, ROBERT, Stockton on Tees Feb 14 Townsend & Bertrand Watson, Stockton on Tees  
LONG, GEORGE, Cleaveland, Lodging House Keeper Feb 19 O'Donoghue & Forbes, Bristol  
MACARTHUR, JAMES RAMSAY, Sutton Feb 10 Ford, Lloyd, Bartlett & Michelmore, 38, Bloomsbury sq  
MEYER, FREDERIC GUSTAVE ADOLPHE, Geneva, Switzerland Feb 23 Mead & Sons, 116, Finsbury st  
NAYLOR, RICHARD LEARDOY, Baldon, Yorks Feb 1 John B Atkinson, 5, Ripier  
OSBALDISTONE, EVELLE MADEIRA, Spencer rd, Herts H 11 Feb 10 Carter & Bell, 10A, 140 in  
PAPANTOPULOS, PETERIOS, Chestow pl, Bayswater, Commission Agent March 1 Sale & Co, Manchester  
PATTEN, PHOEBE, Walsall March 8 Enoch Evans & Son, Walsall  
PERRY, DANIEL, Old Hill, Staffs, Luncheon Jan 25 Thomas Cooney & Co, Old Hill  
POOLE, ELIZABETH MARY JANE, Bristol Feb 12 Albert Gard & Co, Plymouth  
RIPTON, DWIN, Chertington rd, Harwell Feb 1 F J Davis, London Provincial and South-Western Bank, Limited, 3, Bank bldgs, Lothbury  
SHEPHERD, W. G. JAM ROBERT, Plymouth Feb 12 Atherton & Gard & Co, Plymouth  
STILES, EDGAR WATSON, Berkeley on Tweed, Solicitor Feb 28 Sanderson, Tiffen & Head, 30, Northampton road  
THORNTON, DRACUT GARTH, Beckenham, Kent, Reporter Feb 14 H P Russell, Bexley Heath  
WATSON, JOHAN, The Grove, Ealing Feb 8 Robin P Hamp, 22, Southampton st, Bloomsbury sq  
WILLIAMS, JOHN, Carmarthen Feb 8 A J & T C Hughes, Aberystwith  
WOOD, CHARLES BRUCE, Grosvenor chd, Wandsworth, Estate Agent Feb 10 Nisbet, Daw & Nisbet, 35 Lincoln's inn sq  
WOOD, THOMAS, Barton on Trent, Dairyman Feb 10 J & W J Drewry & Newbold, Barton on Trent

London Gazette.—TUESDAY, Jan. 14.

APPELVAARD, GERBRACIO PROTOCO, Leeds Jan 31 Land & Foster, Halifax  
BENTLEY, JOHN, Bactrick, Brighouse, Stone Merchant Feb 20 Jubb, Booth & Helliwell  
Halifax  
BRADFORD, HERBERT MILLS, 50nd-ldg: Park, Chartered Accountant Mch 1 Birk-brook, York & Co, 25, Copthall av  
BROOK, HENRY, 8A, Chatter F 15 Sale & Co, Manchester  
BROOK, MARGARET MORRIS, Oxshott, Surrey Feb 10 Courne & Co, 11, St Helen's pl  
BRYMAN, THOMAS LONSDALE, Hindley, Lancs, Mining Engineer Feb 11 Barlow, Jackson & Co, Wigan  
BURNETT, THOMAS JOHN, Florence rd, New Cross, Bullier Feb 5 H S A Foy, 4, Walbrook  
COOKE, HENRY, Alnmouth Feb 8 Charles Shortt, Kirby & Co, Newcastle upon Tyne  
CORFIELD, GEORGE EDGAR, Halford H-house, Finsbury print, Incorporated Accountant Feb 13 W J Fildes, 11/12, Finsbury sq  
DARLINGTON, LAURA MATILDA, Wylie Green, Warwick Feb 14 Springthorpe & Hol-croft, Birmingham  
DAVIS, ISAAC, Coppleton rd, Highbury Feb 28 Lewis & Lewis, 12, Elyp  
DUBBERY, FREDERICK, Dudley, Worcester, Varnish Manufacturer Feb 1 Arthur A Burtles & Birmingham  
ELLIS, MARY ANN, Northallerton Feb 1 J E Garner, Northallerton  
GANTANT, ELIZABETH, C. tish m, Cambridge Feb 28 Whitehead & Field, Cambridge  
GRAHAM, WILLIAM H 11 ST, New Maiden, Surrey Feb 10 Sturwood Warren, 8, King ton upon Thames  
GREENWOOD, JOHN, Mix nden, Halifax, Yorks, Farmer March 3 W H Bacock & Son, Hall ax  
HARWICK, Lou Bridge rd Feb 10 Cartwright & Cunningham, 47, Paternoster row  
HEARD, SAMUEL, 100, Csh Proprietor Feb 8 Kallicks, To ne Drove  
HUTCHES, EVELA, 8, Oct-ry, Stratford on Avon Feb 22 Pepper, Tangye & Winterton, Birmingham  
JAMES, FRANCIS HENRY RIDGE, Kingscross upon Thama, Licensed Victualler Jan 31 Sh re-nd & Warren, 1/11, Essex st  
MADELEY, ROBERT PHILIP, Salford, Licensed Victualler Feb 20 Barrow, Smith & Macfie, Manchester  
MASON, AMMUEL JOHN, Perry Barr, Stafford, Cashier Feb 24 Alfred Polson, Bir-ningham  
NORTON, RICHARD, Cambridge, Massachusetts, USA Feb 10 Dowsons, 18, Adam st, Adelphi  
O'NEILL, VICTOR FREDERICK Hale Ches're, Paper Tube Manufacturer Feb 22 Boote, Blyth, Grace & Lylands, Manchester  
PALBY, EMILY FRANCES, Grimsby Wes-morland Feb 17 Gibbons & Starton, Lan-cas-ter  
POHLHAGEN, ARTHUR PHILIP, Halifax Jan 31 Land & Foster, Halifax  
RANDEN, WILLIAM, Bactrick, York Feb 15 Chambers & Chab n rd, Brighouse  
ROTHENBERG, CHRISTINA, Manchester Feb 15 H Faulkner Simpson, Manchester

ROWE, ARTHUR, Thornton Heath, Surrey Feb 20 Mc Kenna & Co, 31-33, Basing-hill st  
SAMPSON, JOSEPH, Langport, Somerset, Cattle Dealer March 25 Meade-King, Cooke & Co, Bristol  
SCOTT, GEORGE, Southwood, Newcastle upon Tyne, Grocer Feb 17 Patrick Bennett & Middleton, Newcastle upon Tyne  
SCOTT, MICHAEL, South Wood, Durham March 6 G A Carpenter, Park m  
SHAW, SAMUEL t-a Elder, Walsell, Keyamish March 10 Enoch Evans & Son, Walsall  
SIMMS ALEXANDER, Southern Rhodesia, South Africa March 31 Emmet & Co, 14, Bona drive  
SKINNER, SYDNEY HUGH West Didsbury, Manchester March 1 Fred W Ogden Lyles & Co, Manchester  
SMITH, EMMA FRANCIS, Totland Bay Isle of Wight Feb 15 Wright, Hasall & Co, L-and-on  
SNYATH, EDWYD, SIDNEY, Leeds Feb 14 Waterhouse & Co, 1, New st  
SUTTON, ROSA CAROLINE, Cavendish rd, St John's Wood Feb 23 Hickson, Moir & Jones, 22, New road st  
SYERS, M J O THOMAS SCOTT, MC, RFA, Hove, Sussex March 1 Last, Sons & Fitton, 17, Sakville st  
TRADWELL, CAROLINE, Birmingham Feb 23 Pepper, Tangye & Winterton, Birmingham  
TUCKER, LORENZ COTTELL, Woodsome rd, Kentish Town, Commercial Traveller Feb 27 Robinson & Bralier, 7, King's road walk  
VAUGHAN, LOUISE MARY, Wilton cres, Middx March 1 Tatham & Procter, 36, Lincoln's inn  
WATSON, PERRY ARNOLD, Worcester, Insurer Feb 4 Thos G Dobbs, Worcester  
WRIGHT, ELIZABETH DAYKIN, Kegworth, Leicesters Feb 23 Smith, Mammatt & Hale, 1, 1/2, de la Zouch  
WOODHAM, JANE, Southsea Feb 28 Kaele, Sons & Co, Manchester

London Gazette.—FRIDAY, Jan. 17.

BRADLE, ARTHUR, Royal Park bldgs, Camden Town, Pianoforte Manufacturer Feb 20 Walter Maskell & Co, 7, John st, Bedford row  
BROWN, HARRY, Waltham t-r Feb 15 Thos E Wilkinson, 7, Calium st  
BURGESS, JOHN, Cross Keys, Mon, Coal Miner Jan 30 Chas P G. Rids, Cross Keys, Mon  
CAMPBELL, SARAH ANN, Oakhill rd, East Putney Feb 16 Edward D K Busby, 52, Queen Victoria st  
CARTMAN, ELIZABETH ALICE, Stamford, Lines Feb 14 Stapleton & Son, Stamford  
CARTER, JOHN THOMAS, Moberley, Cheshire, Mercant Feb 18 Taylor, Kirkman & Milnes, Manchester  
CLARK, ELIZABETH ANN, Dunmow, Essex Feb 15 Wade, Wix & Wade, Dunmow, Essex  
CLAUDE, CHARLES ARTHUR, Billiter av, Solicitor April 1 Rye & Eysa, 13, Golden sq  
CRAWFORD, LAWRENCE HUGH, Claygate, Surrey Feb 23 Currie, Williams & Williams, 12, Lincoln's inn fields  
CROSLAND, LILBA, Newquay, Cornwall Feb 22 C H Passman, Leamington Spa  
DOUGHERTY, HENRY GARRETT, Derby Feb 28 W H His Briggs, D-r-y  
GRIFFIELD, MARY ANN, Hythe, Kent March 1 Bernard C Drake, Hythe, Kent  
EVANS, LOUISA, Liverpool Feb 20 Marriott & Co, Man che-ster  
FRY, FRANCIS JAMES CHARD, Somerset March 8 Abbot, Pope & Abbot, Bristol  
GIBSON, EILEEN MARY, Devon, Chester Feb 22 L W Lewis & Sons, Walsall  
GIPFORD, MARY ELIZABETH Feb 15 Fawcett & Unsworth, Morcuba ble, Lancs  
HINCHLIFFE, HANNAH, Chalderton, nr Oldham Feb 28 Ascroft, Maw & Shmield, Oldham  
ISAAC, CHARLES Lisleard, Cornwall, Merchant Feb 13 Casner, Son & Venning, Liscard  
JEFFERSON, HARRY WYNDHAM, Berkeley sq March 7 William Sturges & Co, 5, Little College st, West-ol-ster  
JOHANNES, HUGO VICTOR, Holland rd, Kensington, Merchant Feb 20 Coward & Hawke-ley, 30, Chancery  
JONES, WILLIAM ABERNETHY, C rman Feb 14 Hugh Pritchard, Fwellth  
KINNEAR, SAMUEL JOHN, Tully, W-re-ster Feb 21 Higgs & Crane, Brierly Hill  
LANE, JOHN AUSTIN, East-outh Feb 17 Beaumont & Son, 66, Gresham House, Old Broad st  
LOWE, MARY, Patricroft, Lancs Jan 31 F H & W Worster, Stalybridge  
MC ALPIN, JAMES, Bodrick rd, Wandsworth Common Feb 28 Gedge, Fiske & Gedge, 10, Norfolk st, Strand  
MACKELL, MARY ANN, Niley av, Upper Clapton Feb 21 Lowies & Co, 29, Gt St H 11  
MACGATE, BEATRICE PATTIE, Egypt Feb 23 Wright, Hasall & Co, Leamington  
MARSHALL, MATHA, W-re-ster Feb 15 H-niv & Alfred Maxfield, Sheffield  
MELLALINE, WILLIAM, Oldham Lancs Feb 31 Ascroft, Maw & Shmield, Oldham  
MORRIS, HARRY DAVID, Regate Feb 20 H W Nicholson, 24, Lawrence in  
MITCHELL, FREDERICK READ, Victoria rd, Strand Green, Commercial Traveller March 3 Rye & Eysa, 13, Golden sq  
MOUNTFORD, STANLEY, Hamill on pl, Piccadilly Feb 20 H H Wells & Sons, 17, Paternoster row  
MUSGRAVE, Major HERBERT, RE, DSO, East Grinstead March 1 Davenport, Cunliffe & Bick, 45, Chancery in  
NICHOLAS, EMILY, Iwer, Bucks March 3 Peacock & Goldard, 3 South-g. Gray's Inn  
ORCHARD, ADA ANNIE LE-LINE, Strines, Chester Mar h 1 Parkinson, Slack & Need-ham, Manchester  
ORMSBY, ELIZA, Torquay March 1 Stacey & Co, 3, Pimp ct, Temple  
PAILTHORPE, ANNIE LAVINIA, Birkdale, Lancs Feb 20 Cartwright & Cum-ingham, 47, Paternoster row  
PATERSON, ALEXANDER FREDERICK, Skardu rd, Crickwood Feb 11 R Miller, Wre-ster & Naylor, Jax-er H-house, 4 & 6, Copthall av  
POSSER, THOMAS JOSEPH, Mason st, Old Kent rd Feb 14 Henry I Sydney, 2, Renfrew, 1, Lichfield st  
RUTALLACK, JOHN, Truro, Cornwall Feb 15 Coulter Hancock, Truro  
ROMILEY, ARTHUR GEORGE, Addlestone, Su rey March 1 Hores, Pattison & Bathurst, 48, Lincoln's inn fields  
ROY, MARY ANN, Montpelier rd, Ealing Feb 18 Lithgow & Pepper, Wimpole's House, Wimpole st  
SANDERSON, HANK, Brighton Feb 17 Pettit, Walton & Co, Leighton Buzzard  
SAUL, JONES JANE, Lancaster Feb 15 C F rd Gadsd-le, Lancaster  
SELY, MATHA FLEMING, Bactrick, York Feb 15 C C B-ll & Son, Bedford  
SELLORS, HENRY, Manchester, Saddler March 1 Lawson, Coppock & Hart, Man-chester  
SHIPPET, EDWARD, Manchester, Solicitor Feb 9 Shippey, Earley & Doherty, Man-chester  
SKEFFINGTON, CHICHESTER ARTHUR, Upper Richmond rd, Putney Feb 17 Wood, Nash, H-niv & R d-ct, 6, Ray and bldgs, Gray's Inn  
TAKK JONES, BESSIE, Launceston pl, Kensington Feb 26 Syrett & Sons, 45, Fins-bury ovant  
TAP ON, MARY ELIZABETH, Clapham Common April 19 Busk, Mellor & Norris, 45, Lincoln's inn fields  
THO BURN, HENRY WILLIAM, Bishop Auckland Feb 15 J R Leng, Bishop Auckland  
TURNER, THOMPSON, Rochdale, Lancs, Cotton Operative March 3 J H Chadwick, Rochdale  
TWEEDALE, EMMA, Rochdale March 15 Douglas Houstoun, Duchy of Lancaster Office, Leeds  
VICKERS, FREDERICK FLETCHER, West Didsbury, Manchester, Paper Merchant Feb 28 Digges & Ogden, Manchester  
WADLING, HENRY JOHN, Camden rd, Architect March 1 Ford, Lloyd, Birtlett & Michelmore, 38, Bloomsbury sq

